**VILLAGE OF DUNCAN BOARD MEETING**

**Public Hearing**

**May 14th, 2018**

**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. Visitors included: Jamie Frey (Planning & Zoning), Matt/Kayla Humlicek, Matt Wenske, Dallas (Ameritas). *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 an agenda change for tonight (move ‘J’ up to ‘A’) was made by Dahlberg, second--Boruch*. *A motion to approve the March minutes 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.* Schaefer publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. No requests were made and the Chairman proceeded with the agenda.

**Unfinished Business:**

1. Abandoned Vehicle Fines: Schaefer read a letter written by Paul Conkel. He was fined several times for having a wrecked vehicle in his yard along with another vehicle. He received the first fine and then a second set of fines for the vehicle that was remaining on his property after removing one. He had paid the first fine and removed the wrecked vehicle within days. His letter stated that he was unaware that the other vehicle needed moved and was surprised by the second fine. The letter read that he works out of town a lot and is not home often. He also had in his letter that he had removed the final vehicle as soon as he returned home. Evans stated that Conkel did pay the initial fine. He requested the board forgive the last fine on his account since he had done, what he thought, was asked of him. Reves stated he has noticed that Conkel’s property has been continuously improving physically as well. Conkel’s letter also read that he wanted to know what was being done about the other properties in town that have vehicles in their yards. He stated that he did not know it was a violation due to seeing other neighbors doing the same thing. Schaefer stated he believed that Conkel’s letter seemed valid and that he did put forth good effort to take care of the problem. Schaefer suggested waiving the second set of fines. Schaefer stated that we will start sending letters to anyone in violation of this ordinance from now on. *A motion to forgive the $200 fine on Conkel’s account 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.*
2. Sewer Back Up: Schaefer reported that the previous meeting’s agenda item on the residents’ sewer back up due to a clog on the Village side of the sewer main has come to a conclusion. The Village reported the back up to the Village insurance company and they had an adjuster speak with the residents involved as well as with Reves. After his investigation, he denied the residents’ claims against the Village. The adjuster had told Reves that even though it was in the sewer main, it was clogged due to the negligence of the residents in that area with what they were flushing. The adjuster did not find the Village negligent in anyway. The adjuster called both residents and sent them letters denying their claim. Schaefer suggested the Village send both residents a letter reporting the Insurance Adjuster’s findings and that they can appeal if they wish. Reves reminded Schaefer that both residents had already received letters from our insurance company on the denial. Schaefer suggested a letter from the Village would be good to do for follow up of the last meeting with them.

**New Business:**

1. Street Project Financing: Dallas, with Ameritas presented to the microphone. He handed out folders with info on the quote from Ameritas for financing our street project. He stated that he had to come to the meeting instead of Brad Slaughter again due to Slaughter not being sure he could make it here in time. He stated that if we chose Ameritas, Slaughter would be the ‘go to’ person for the account and would be available by phone as well if the board has questions for him. Dallas reported that Ameritas has a lot of experience in working with municipalities and financing projects. He stated they sell a lot of bonds and have a great history with their brokers. He went over the current rates for a $250k loan at a 10 year term (2.8%), 15 year term and 20 year term. The total cost is less, the fewer years the term is. He stated that we could get the money within as little as 45-50 days. Dallas reported that the cost of issuance would be .95% of the total loan amount which would equal approximately $2400. Schaefer asked Dallas why there was a difference in the cost of issuance from the last time they quoted (last time it was quoted at $5k). Dallas explained that he asked Slaughter that and was told that the first quote was without knowing any specifics and that it was a conservative quote based on discussion need only. Schaefer stated that both Ameritas and DA Davidson are reputable companies. Evans reported that Nathan Boone (JEO Consulting) stated that both companies are great and they’ve seen both of them do good things. Schaefer noted that with both quotes, Ameritas’ cost of issuance is lower than DA Davidson. Schaefer stated that DA Davidson’s, Paul, will be available by phone for questions after 8pm tonight. The board decided to wait until then to call and ask questions and then decide on who will get the contract.
2. Conditional Use Permit: Schaefer requested proof of notification from Reves. Reves presented to the microphone and showed the board the proof of publication and read aloud, the newspaper notice. Schaefer asked Reves if the application was complete. Reves stated it was. And that the Planning & Zoning Committee met last month and are recommending the Board approve the permit. Schaefer then asked if the applicant (Nick Wagoner) was present and wanted to proceed with the approval for the permit. Wagoner presented to the microphone and responded that he would like to continue. Schaefer then reported that the Village Board does, in fact, have authority to vote on this subject. Wagoner stated that he lives at 723 Hwy 30 and will be removing the old garage and putting up a new one in order to work on vehicles. The conditional use permit is to allow him to do minor vehicle repair with little to no body work. His property is in a C-1 (Commercial 1 District). Schaefer opens the public hearing at 7:36pm. He asked if anyone had any comments or questions. Boruch asked if the new building will be in the same spot. Wagoner stated that it would be, but it would be further back. Schaefer stated there are no protests and no further questions or comments. Schaefer then closed the public hearing at 7:38pm. *A motion to approve the conditional use permit to do minor repair work with little to no body work on vehicles out of his new garage was made by Boruch, second—Staroscik.* *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*
3. Planning & Zoning Annual Report: Jamie Frey presented to the microphone as P&Z Chairman to give the Village Board the annual report. He stated Joe Runquist had resigned as a member and Abbey Wright took his place and they added one alternate member (Matt Bates). He stated that the P&Z committee are trying to look to the future of Duncan and its development. He stated that Betty Kropatsch (secretary) and Wright went to the Annual Conference. He reported that they would continue to have discussion on the Duncan Comprehensive Plan form 2018 and beyond. Schaefer asked how relations between committee members were going. Frey reported that that is going to be a topic of discussion at the next meeting and that they are working on that. There were no questions or concerns from the Board or anyone else.
4. GSI Engineering Material Testing Street Project Approval: Schaefer reported that this company was approved by JEO Consulting to do our street material testing. He stated that the total cost would be $5,000. After a short discussion between the board members, a *motion to approve GSI Engineering for the street project material testing 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.*
5. 803 6th Street Property Request to Forgive Lien (Marci Carr—deceased): Schaefer explained that the Humlicek’s are asking the Board to forgive the lien on the property so that they could buy it since it is connected to the south side of their property. Kayla Humlicek presented to the microphone. She reported her address after her name. She reported that they have already taken steps in hiring an attorney and that they already had a title search done on the property. She stated that this property abutt’s her property and she and her husband are seriously looking to buy the property to adjoin with theirs. She has hired an attorney to handle some things due to the property have several liens on it and taxes that haven’t been paid. She stated that altogether there are $11,000 in liens, and even more for attorney fees etc, on the property and it is only assessed at $5,625. She asked the board how long they are willing to continue cleaning the property up with mowing etc. She stated there is a tree on the property that needs to come down as it is in danger of falling. She is requesting the Board forgive the Village lien on the property. She stated that the property is not worth what is owed on it and if the Village is not willing to forgive or at least lower the cost of the lien, they will not be able to purchase it. She reported that if they bought it, they would keep it cleaned up and would help the town look nicer. She suggested that no one else would be interested in buying that lot. Humlicek also stated that it appeared that there would not be an estate created for Carr and so the odds of Carr repaying any of the liens held against her are very slim. She stated that US Bank has a decree of foreclosure on the property but the liens need paid. Schaefer reported that he has conflict of interest with this matter due to the fact that the bulk of the lien bill is due to him for his equipment and service in cleaning up the property. He stated that the total owed on the lien with the Village was $4,917.11. Schaefer then stated he will abstain from discussion and voting in this matter. He did report that his contract with the Village stated that he does not get paid until the Village is paid. Humlicek stated she had started negotiations with US Bank who owns several years of the taxes. The board stated they will have to think about this and would follow up with her at another meeting where a decision would be made. Evans asked Humlicek if the Village would come down on the lien, what would be doable for her and her husband to still purchase the property. Humlicek stated that approximately $2500-2600 owed on the Village lien would be the best she could do since she will have other liens to pay off as well. She stated that number would only work if the other liens were brought down as well.
6. 624 5t Street: Schaefer stated that it appears the Village will be on the hook for this clean up as well. He stated that there needs to be a way to prevent these things in the future. The Village has to stay on top of these properties because it’s costing the Village a lot of money. The renters moved to South Dakota according to rumor. There has been no activity at the property. The property is still a nuisance with junk all over the property and graffiti on the buildings etc. And, the pictures show that the shed is full of garbage from floor to ceiling. The garage is assumed to be the same. Young asked if DHHS would help. Reves stated no, DHHS will not get involved. Young then asked how we get a house deemed unlivable. Evans stated that in a municipality, the Village Board acts as the town department of health, according to state statute. The board would be the ones to declare a property uninhabitable. Schaefer suggested it might be hard to fight if anyone took us to court though. Evans suggested taking this issue to Stan Emerson (Village Attorney) so that we could be sure to do things the legal way. Schaefer stated he had contact info for the Rising City attorney. He stated he would try to contact him and ask for advice. Young reported that on Facebook, Marty Hawkins had stated she was coming home to take care of business. Young stated she does not know where her ‘home’ was for sure. Young stated that she has tried to get in touch with the legal owners of the property (Tina Fernau; Charles Grafton). She stated that the property is uninhabitable. Young wondered if there was no one living there, would the abatement procedure be easier. She stated that Ed Schrant’s name is not even on the deed. It is his deceased wife’s name, Tina Fernau and Charles Grafton on the deed. Fernau and Grafton did a rent to own contract with Schant in 2011 and ended up leaving and not pay anymore on it. Schrant and Fernau/Grafton never did get the deed changed back to his name. Legally, Fernau and Grafton are the owners of the property. The current renter (Hawkins) was rumored to have made a lump sum payment for a ‘rent to own’ contract (to Schrant) as well. Hawkins has made comments in the past of owning the property. The taxes were being sent to Fernau and Grafton who would then forward them to Schrant. Staroscik suggested talking to the Village attorney and seeing how to proceed with this. Boruch suggested condemning it and putting it up for a sheriff sale. Schaefer stated we need to go full force on this one. Schaefer stated we need to get bids for the clean up of the property. Schaefer stated we need to also find out what exactly we can do. He stated that by next month we need to have a plan. So that next month we have an excavator sitting there. Schaefer stated to send a letter to Hawkins on getting her stuff out of there before we have everything removed. Reves reported he would call Jenny (Schrant’s caretaker). Young stated she would check to see who has been paying the taxes. And talk to BD Construction for a bid. Evans will send letters to Thomas Hawkins in Platte County Jail and Marty Hawkins at her last known address. Schaefer stated he would get a bid from Chris Hayes and talk to the Rising City Attorney. Boruch asked if we could just use the Rising City attorney since he is used to this kind of issue. Schaefer stated that we will have more answers by the June meeting.
7. SDL Request Ribfest: Schaefer presented the request by the Volunteer Duncan Fire Department for a SDL (Special Designated License) to use during Ribfest 2018. The liquor license will be used during the hours of 2pm-1am on June 23rd and 10am-5pm on June 24th*. A motion to approve the SDL application for Ribfest was made 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.*
8. Street Closure Request for Ribfest: Duncan Ribfest sent a letter of request to close 1 ½ blocks of 8th street west of Main Ave. and 1 block south & ½ block north of 8th Street on 10th Ave. on June 22, 23 and 24, 2018.  *A motion to grant request for closure of streets as stated for Ribfest 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.*
9. Request to join the Volunteer Duncan Fire Department was written in a letter by Jarret Lapore. Schaefer read the letter to the Board. *A motion to approve Jarret Lapore to join the VDFD was made by Boruch, second—Young*. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay—none. The Chairperson declared the motion carried.*
10. Skid Steer Rental Request: Reves reported to the Board that there was an opportunity to do a yearly rental program from Kayton International of Albion, NE. for that equipment. He stated that the cost was $2k/year for 100hrs/year. He stated that they would bring him a brand new one every year as well. He reported that there are several communities around us that take advantage of this deal. Such as Platte Center, Monroe, Lakeview and Shellcreek. If there are any problems with the equipment, the company will fix it. There is no charge for maintenance etc. We would have to buy any attachments that we would need. We could use it for snow removal, grass removal and many different projects. *A motion to rent the Sked Steer 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.*
11. Street Financing Decision: Schaefer reported that Young works for DA Davidson and so there is a conflict of interest and she would abstain from voting in the matter. Schaefer called Paul with DA Davidson and put him on speaker phone for all the Board to hear and ask questions. Schaefer asked Paul if his Cost of Issuance was negotiable. Paul stated that he could possibly find some efficiencies but that $5k would be what the cost of selling the bonds would be, including the legal fees. The board had no other questions for Paul. The call was ended with Paul and the board discussed the main difference in the two options for financing. The board noted that the only thing that was different was Ameritas had a cheaper cost of issuance at $3500 compared to DA Davidson at $5k. Both companies were recommended by our consulting company JEO Consulting. They are both reputable and have dealt with Duncan in the past. Staroscik stated that since they are both good companies, we should choose the cheaper cost of issuance. Boruch stated that since we are using the people of Duncan’s money, we have to go with the cheaper option in this instance. The board agreed. Laska asked the board which term they would like to go with. The board looked over the interest rates for each of the terms for 10, 15 and 20 years. Schaefer reported that the difference between the 10-year term and the 15-year terms is approximately $8k annually. Schaefer reported that with the last project, the board chose the middle term due to it left more available for other projects. However, Laska stated that the street fund is only spent on the street. Schaefer stated there shouldn’t be too many emergency street fund projects that need financed. Laska reported that the highway allocations coming in are more than what we will be paying out for the financing on the 10-year term. Schaefer reported that going with the 20-year term costs an extra $30k. Laska stated that Jill (accountant) is going to tell us that we need to start spending money. She stated that we have a healthy general account as well as savings account. The board discussed and decided to go with the 10-year term in order to get the lower interest rate and pay it off faster so that we can continue with our 6-year street plan when needed. Laska stated we have approximately $25k yet on the old street loan at 3.8%. Schaefer suggested paying off the old loan and going with the shorter term. The board agreed. Laska stated that we receive $$55-60k per year in Highway Allocations that could be used to pay for the street financing. Dahlberg asked if by putting the millings on 5th street, would it help us with more highway allocations. Laska responded that it would not. *A motion to choose Ameritas as the street financing company 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.* *A motion to approve the 10-year term for the street financing loan was made by Dahlberg, second—Boruch. Vote was as follows: voting aye-Staroscik, Schaefer, Dahlberg and Boruch. Voting nay—none, Voting abstained—Young. The Chairperson declared the motion carried.*

**Departmental Reports:**

1. **Utilities/Maintenance/Streets**  Reves reported that the pump valves at the lagoon are bad. Both pumps used to kick on at the same time. That part has been fixed however, the valves are still bad. He stated that the valves are $1,050 each. The pumps are running longer and more often with the bad valves (kicking on 33 times per day and running 4 hours at a time sometimes). He stated that the valves are ordered and he will replace them when they arrive. Dahlberg asked Reves if Obrist could take a look at the fire station hydrant’s ball valve. He stated that the Village takes care of half the fire dept bills and theres a hydrant inside the station that needs looked at and possibly replaced. Schaefer stated that Reves could do the repair instead of Obrist possibly. The cost is $4-500.
2. **Parks & Recreation** Young reported that she spoke with Eric Crouch (Playground equipment). She stated that they would send a guy out to look at the layout of our park and what we could get for equipment. She stated that it is pricey and that the install costs as much as the equipment. She was told that if we spent $30 on equipment, it would cost us $30k for the install. She stated that it could be less if members of the community would help to install the equipment. Reves reminded Young that anytime the board spends over $30k, there needs to be a bidding process from vendors. Dahlberg stated that there are still shifts that need to be picked up for working the pop booth at Ribfest.
3. **Planning & Zoning** Schaefer asked Reves if he’d spoken with the Arizona people who bought the Jareske land lately. Reves stated not too much. Evans reported that she had sent an email letter to mow the property since the weeds are very tall and in violation of our ordinance. She reported that the owner called her immediately upon receiving the email and started complaining about the land and where the property lines are and where the street and alley are etc. Evans stated that she directed him to talk to Platte county about those issues and to talk to Reves, the P&Z Administrator. She told the owner that she believed the land was residential land now that it had changed hands. He stated that it was not and that it was still agricultural land. Evans reported to the owner that she was not the expert on that and to call Reves if he had questions in that regard. She told him that it still needed to be mowed as it is mostly overgrown weeds. Evans then spoke with Reves after he had spoken to him and Reves explained that the land could still be agricultural as long as the new owner is farming it. Evans stated that the owner never said one word about farming the land to her and also that the land has had nothing done to it since he bought it. There has not been a piece of equipment on there to disc or plant any kind of seeds. What is growing is weeds and volunteer rye. Evans also reported that the owner had told her he was not sure what he wanted to do with the land. When he was told of the potential plan of the land being developed prior to his purchase, he stated to Evans that he would be willing to do that. Evans explained to him that it was his property and he could do what he wanted with it, within the legal limits of the city ordinances. The owner, after speaking with Reves on the phone, decided that he is still farming that land and he would have his brother-in-law come and combine and bail the rye this summer. Schaefer asked where the guy’s receipt is for the seed he planted. Evans stated that the owner had only decided he was going to continue farming it when Reves told him that as long as he’s continuing to farm it, it stays agricultural land. Reves stated that the field was not mostly weeds and was actually a lot of rye. In our ordinance, if no farming is completed on that land for 12 months, it converts to residential. Schaefer then reminded the board that the land was purchased in July.
4. **Clerk** no report.
5. **Treasurer Report** Laska reported the monthly bills. She stated that Reves finally bought the box scraper off Big Iron for $1,750. She reported that she replenished petty cash. There was a bill to JEO for property search for $1969. She stated that Jill (Countryman Assoc) will begin prep work for budget in June. She stated that she will need lists from employees/board on needs. After the board reviewed all the bills and there were no questions or concerns, *a motion was made to approve the bills to be paid 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, post office, AJ’s C-Store and the Village website on the Thursday prior to the meeting. The next regular meeting of the Village Board of Trustees will be on **Monday, June 11, 2018 at 7:00 PM.**  Being no other business, adjournment was made by Schaefer at 9:14p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)