

VILLAGE OF DUNCAN BOARD MEETING

April 12th, 2021

7:00 PM – Village Hall 906 8th Street, Duncan, NE. 68634

The monthly board meeting of the Village of Duncan Board of Trustees was called to order at 7:00 PM by Chairperson Jeff Oppliger. 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 held in the Village Hall. Board members present were Nick Wagoner, Steve Langton, Jeff Oppliger, Josh Dahlberg and Joe Boruch. Also, in attendance were, Village Staff: Don Reves, Marianna Evans and Michelle Schindel. Visitors present were: Travis Stempek, Brad Slaughter (Piper Sandler). The Pledge of Allegiance was recited by all in attendance. *A motion was made to approve the minutes from the special meeting on March 10th, 2021 by Dahlberg, second---Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. *A motion was made to approve the minutes from the March 8th, 2021 board meeting by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. Oppliger asked the audience if there were any non-agenda items that needed presented to the board. No visitors presented any concerns. Boruch reported that he drove by several storage units in Columbus recently to compare the brightness of the lights to the new one in Duncan that neighbors have complained about. He stated that all but one of the storage units were not as bright as the one in Duncan. He stated the one that was bright was not near any residential area. Oppliger stated that Todd Paczosa was supposed to install shade covers or the like, to shade the brightness from the residential neighbors. Oppliger asked the board if anyone had followed up with Paczosa. No one had. Wagoner asked if there was any other action the board could take if it does not get done. He asked about the nuisance option. Evans stated the Village Board would have to declare it a nuisance and then would have to speak with our attorney to see where to go from there. Oppliger asked Evans to include this topic on the agenda for next month's meeting. He stated he would coordinate with Boruch to follow up with Paczosa on the storage light shades. Boruch then brought up that he received some posters to put in the Village windows on what not to flush. Reves reported that when he had NRWA come and to the suspected line of the syringes, that he discovered the line was full of roots. He then had Drain Surgeon come out to clean the roots out and immediately a syringe came out. He spoke with the sheriff and was told that since the syringe is not in anyone's possession, there is nothing he can do. Evans stated she would hang the posters up in the Office window. No further discussion. Oppliger then continued with the scheduled agenda.

Old Business: No old business

New Business:

Proposed Financing of Street Project and Water Bonds Refinancing It was noted that Craig Jones from First National Bank, who had initiated and requested to be on this agenda, was not present. Evans stated that she was unaware of his potential absence and that she had received no prior communication from Jones that he would not be able to attend and present. Slaughter began his presentation to the board. Slaughter introduced himself and the company he works for (Piper Sandler). He handed each board member a packet of financial information and comparisons of interest rates. He went over the differences between his company and First National. He stated that First National will give a low quote initially however, once the interest rates are locked etc., the actual cost is more. He stated that his company does not do that. They are honest up front and then enjoy when the actual rates may be lower. He discussed how much experience he and his company have in dealing with these types of transactions every year. He reported he helped the Village obtain the financing with the last street project. He showed the board a table in his handout that showed the differences between Piper and First National on previous jobs and how Piper was the better deal on each one. He explained that with the 3.23% interest the village pays on the water loan now, they will save approximately \$32k with interest rates around 1.3% now. His handout showed what a 20 year, 15 year or 10 year amortization schedule would be for interest rates and payments. Evans stated that Slaughter was very easy to work with and made her job easy with the last street project financing. She said he was a presenter at her clerk conference and has been more than professional and honest. The board discussed and Oppliger stated he felt he should give Jones a chance to compare since his bank is our main financial institution. Evans reported that Jones had initially called her and asked to be added to the agenda. She kept him updated with the need for street bonds as well as water refi and that Slaughter would also be at this meeting. Evans stated that Jones had not followed up with her nor let her know that he would not be present at the meeting. The board discussed and decided to move forward with Slaughter with the street and water bonding. Slaughter explained that passing the ordinance will not require them to do business with them. It only allows him to move forward with obtaining the lower interest rates when available and to continue the process so that the Village will have the financing to pay for the streets. Evans read R21-249 (Water bond redemption) aloud entirely. *A motion to pass R21-249 was made by Dahlberg, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. **Ordinance 21-202** (Notice of Publication of Water Bond Redemption) was read aloud by Evans. A motion to pass was made by Wagoner, second—Dahlberg. *Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. *A motion to waive the 2nd & 3rd readings was made by Wagoner, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. *A final motion to pass Ordinance 21-202 was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. **Ordinance 21-203** (Issuance of Highway Allocation Fund Bonds) was read aloud and a motion to pass was made by Boruch, second—Langton. *Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. *A motion to waive the 2ⁿ & 3rd reading was made by Boruch, second—Dahlberg. Vote was*

as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. A final motion to pass Ordinance 21-203 was made by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. Slaughter reported that if First National would send a bond issuance that he would get a comparison for them. He asked the board to be sure they were comfortable with everything. The board agreed. Slaughter thanked the board and exited.

Proposed Liquor License Fee Increase—Occupation Tax Evans reported that during her clerk conference, there was a session on Liquor Licenses. She reported that the Village currently only charges the state required fee of \$300 for license renewals. She stated that she got responses from at least 15 other small towns and what they charge for license renewals. She stated that per state statute and Village ordinance, a municipality can charge an occupation tax of up to two times the state fee of \$300 along with the cost of publication. Bigger cities such as Grand Island, charge a total of \$900 which is the \$300 fee for the public school system as required by the state and \$600 for the city of Grand Island. They also charge for the publication fee after that. Evans stated that at this time, the Village is losing money every time it renews a liquor license. She stated that between her time, ink, paper, envelopes, mail cost and publication fees are all being paid for by the Village. She suggested not to increase the fee dramatically, however, there needs to at least be a fee appropriate to the time and money it costs the Village to renew. The board discussed and a motion was made to increase the fee for renewal from \$300 to \$350 by Boruch, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. Oppliger stated that he did not want to increase the fee a lot. The board agreed. Evans will prepare an occupation tax ordinance for the \$50. Boruch asked if that can be increased in the future. Evans reported that the board could increase it whenever they want to. They would only have to amend the separate ordinance.

Potholes in Streets in Town Reves reported that the potholes in town are worse this year. He stated that he did try to fill a few big ones and around the dip due to not having a smooth spot to drive through anymore. However, he stated that due to the cold weather and the rain, the mix does not stay in the hole. He reported that the holes he filled lasted about a week before the mix was out. He stated that once the weather is nicer and temperature is warmer, the new mix he just received should work well to fill the potholes and hold. The board discussed interim actions such as setting cones by potholes and other substances to use to help the mix stay in the hole better. No other action taken on this subject.

Bonus Pay Statute & Proposed Ordinance 21-201 Wage Setting Evans reported that the Village accountant had brought the state statute to the Village's attention and that we need to set wages for every employee and board member by ordinance. She read the Village ordinance and state statute to the board. Evans reported that she created an ordinance and had requested the village attorney's input on this matter to be sure it is done correctly. The village attorney re-structured Evans' ordinance she had created. The final ordinance was in front of the board to review. Evans read the entire ordinance aloud. Oppliger stated that the Christmas time bonus was why the accountant caught this issue. Oppliger was concerned about the bonus legality. Evans assured that as long as the bonus is included in the wage setting ordinance, it is part of the salary and is legal. She reminded the board that the Village attorney prepared this ordinance and approved it. Evans explained that the ordinance was done with ranges for wages for each person so that it would not need to be redone every year when the COLA raises are given. However, per state statute, board members' wages needed to be listed as exact amounts and could not do ranges. A motion to pass ordinance 21-201 was made by Dahlberg, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. A motion to waive the 2nd & 3rd reading was made by Dahlberg, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. A motion for final passage of ordinance 21-201(Wage Setting) was made by Wagoner, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

Proposed Farmer's Market Reves reported that he had heard interest from the community on starting a Farmer's Market in Duncan. He suggested having it across from the Village, near the Fire station. He stated that people could have stands for food, crafts, even fundraisers for the 150th. He stated it could be held once a week but he suggested starting with the 1st and 3rd Wednesday of each month to coincide with burger night at the bar or asking if Brian Laska would want to cook. He explained that there are so many new people that have moved to town and if you aren't part of the church or hang out at the bar much, you are unknown. He stated that this would give everyone a chance to get to know each other and create a sense of community to get people involved and to socialize. He stated that Gary Schlesinger had already agreed to hand out flyers with his Ribfest flyers to advertise. Reves stated we could incorporate and highlight Lincoln Highway and include that on the flyer. Dahlberg sought issue with possible blocking of the Fire station garages with people parking. Reves assured that cars would not block the garages and that fire trucks would be able to get out if needed. Evans asked who was going to organize the Farmer's Market. Wagoner and Reves volunteered to organize. Reves suggested starting the first Wednesday in June as May is a month for graduations and busy time for most people. Oppliger asked them to give Evans something from the flyer to put on the website.

Departmental Reports:

Utilities Reves reported that he had lunch with Viv, a JEO member. He was told that with the latest Covid relief package getting approved, municipalities will now receive some sort of relief money. He stated that it appeared Duncan would get approximately \$60k and that the use is restricted to COVID, water, sewer or broadband. He stated that the money will be given to the states and then the states will have to distribute to the municipalities. The money was to be issued to states within 60 days of passing and then the state would have 30 days to get it out to the municipalities. Reves also stated that Schlesinger spoke to the county and he was assured that Main Ave will be resurfaced prior to the 150th celebration. Dahlberg stated that he will call the paint striping guy. Reves reported that the few parking spots for post office customers has been blocked with

either the post office employee car, the truck driver's car and/or the truck used to deliver mail. He stated that the car will sit there all night and then the truck will sit there all day. He stated that customers are limited on parking spots near the post office now. He reported on a cracked valve in the pumphouse and that he would be purchasing a new heater next year to keep that from happening in the winter.

Parks & Rec. Dahlberg stated that No Sweat fencing would be placing 5 sections of fencing on the East side inside the east new sidewalk in the park. He stated once those are placed, it would be easier for him to figure out how many more pickets he can sell. He asked Reves to be present with No Sweat so that he can be sure it is done correctly. He stated that once the posts and fencing are placed, he will put the individual pickets onto the fence. Dahlberg also stated that there is a bench that is scratched up and that the slide is damaged with what appeared to be a gouge from a possible knife. He stated he had watched a lot of security video to try to see who the culprit was but he had shut the camera off for a few months in the winter. He was unable to see evidence on the video of the damage. Oppliger suggested checking the equipment regularly for any damages. Dahlberg stated the bulletin board is being worked on. Dahlberg asked if Nick Larsen was signing a new contract for the ballfield ever year. Evans reported that he did not sign anything last year except for the covid paperwork, since we did not have concessions. Paige had come up with the list of rules but there was never a signature by anyone. Evans reported that she would look in the files and let Dahlberg know if there is a signature on the list of rules they came up with last year.

Planning & Zoning Reves reported that the engineer for the new Lloyd subdivision will be at the next P&Z meeting. Reves explained there is a drainage ditch on the north side of the boulevard, near the development. He stated he suggested to put a drainage tube in and fill over with dirt so that new home owners do not have a ditch in their front yard. Oppliger asked if there were any zoning permits filed. Reves stated there was a shed that was placed already. And there was not enough room to put the shed on that property. He stated he would be looking at variances since it is the smallest property. Oppliger stated that he was approached by Ron Stock again about using his well water to wash off equipment. Oppliger stated that he advised Stock the only way to do that would be to rezone his property. Reves stated that what he is asking is a well ordinance violation and has nothing to do with zoning. Reves stated that Stock wanted a septic tank as well but was told it was illegal and if he wanted to do all this, he would have to hook up to the Village sewer. Reves stated that Stock has a drain the entire length of his building. Dahlberg asked Reves if he had checked on Stock's well lately. Reves stated no. One concern for consideration of his request would be of contaminates into the ground water. For example, what chemicals will be washed off into the ground water.

Clerk Report No report

Treasurer Report & Updates—Approval of Bills Schindel handed each board member a monthly recap of the bills. Schindel asked if the Sam's Club membership needed to be renewed. Dahlberg and Oppliger discussed and decided to hold off renewing and re-address it at the next meeting. *A motion to approve the bills as recorded for February was made by: Wagoner, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

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 monthly meeting will be rescheduled from May 10th to **Wednesday, May 12, 2021 at 7:00 PM.**, due to a public hearing being held and our engineer's schedule preventing him from attending on May 10th. He must be present. Being no other business, adjournment was made by Oppliger at 9:00 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)