

VILLAGE OF DUNCAN ZOOM BOARD MEETING

April 15th, 2020

7:00 PM – ZOOM MEETING #769-787-6167

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 meetings are usually held. Board members present were Young, Humlicek, Oppliger, Josh Dahlberg and Joe Boruch. Also, in attendance, were Village Staff: Marianna Evans, Stephanie Laska and Don Reves. Visitors present were Andrew Ferguson, Travis Stempek and Gary Schlesinger. Everyone was able to hear/see all members, employees and visitors present. A motion was made to approve the minutes from the March 16th, 2020 board meeting by Dahlberg second—Young. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. No visitor discussion or concerns were brought up. It was noted that the meeting will be recorded via Zoom as well as the Chairman's phone for back up. The Chairman continued with the agenda.

Old Business:

Proposal Final New Park Design Andrew Ferguson (Fry & Assoc.) was present and shared, on the screen, the new design plans and budget for the park. Ferguson stated that JEO's Justin and Dave gave him a 4-page plan that included existing conditions, demolition, site layout, elevation, drainage and a finished view of the new park. He stated that some are not exact, as it will be up to the Village Board to decide on certain things. The Board had previously been emailed copies of the plan/design layout prior to the meeting. Ferguson reported that he had recently been made aware that there is a water line that runs along the current fence in the park. He asked for more information with regards to depth. He stated that it won't affect the design but it needs to be accommodated related to maintenance. Reves reported that there is a 2-inch line that does run parallel to the fence in the park. He stated that it feeds the park sprinkler, the 2 houses in the alley and the Village Hall. Reves stated his only concern with this line is accessibility once park equipment and concrete/ground cover are laid over the top of it. Ferguson asked if a 2-inch line was big enough. Reves stated that it seems to work fine right now however, if it were to be replaced, the cost of adding a 4-inch line would be very little since most of the cost would be the excavation of the line itself. Reves reported that the current line is approximately 5-6 feet deep. Ferguson suggested with the new fence being moved back several feet, that the new line could run along it and not be below and concrete or equipment. He stated that while doing so, there could also be a drain line and catch basins put in as well. Reves inquired about the drainage system due to the fact that the Village does not currently have any storm sewer available. Ferguson explained, on page 3, it shows a landscape drain line cut into the 9th street curb on the northwest corner. He stated that the line would be a 4-6 inch greenpipe that would be 12-18 inches underground and branch out to the rest of the playground. He stated there would be a drain basin or other solid pipe drainage. He reported that greenpipe is better than corrugated because the corrugated pipes tend to clog. Ferguson stated the 9th street area where they would put a flume in, was found to be the lowest spot in the park. He stated that the entire park is fairly flat and that area is only approximately inches lower. Due to this, the park will be built upwards about 9 inches with ground cover etc. After listening and reviewing the design available, Reves stated that it seems like it will work fine that way. Ferguson stated that Reves would have to help with the job of digging in the lines and details regarding that. He stated that the water line would cross under 3 sidewalks but not run the entire length of any one sidewalk. Reves agreed it would be better to just leave the water line alone then. Ferguson continued on with his design presentation. He stated there will be 4 zones to the park. There will be a swing zone, tot zone, structure zone and spin zone. He stated that there will be a generic train structure in the tot zone. He stated that if we could get Union Pacific to sponsor the park, the train could be detailed with Union Pacific themes. Ferguson stated that they tried to be budget minded with this design. So, the yellow areas on the plan is flexible in or out of the budget. He stated there is a trike path with all new concrete, off the street. He explained the middle areas will be sitting areas with possibly memorial benches or some sort of seating. He stated there will be small garden beds or possibly a memorial garden around the tree. He suggested memorial signs for this area. He reported that there will be strips of grass on the north and east sides of the park. Reves reported that there is a 2-inch line that runs out to the green pipe that is currently sticking out of the ground now. He stated the shut off valve to that line is 6 feet south of that green pipe and will need to be relocated. Ferguson asked if it should be moved to the 9th street side and to make an outside water loop for the watering of the park grass/gardens. Reves agreed that everything should be moved to that area. Reves asked how wide the strips of grass would be. Ferguson stated they were approximately 10-13 feet wide. He stated that along the fence, there would be mulch or some sort of ground cover so that there will be no need for grass trimming along the fence. Dahlberg suggested putting artificial turf on both sides of the fence. Ferguson stated that there will be some sort of yard hydrant available for accessibility to water for washing sidewalks off or watering plants. Ferguson stated the fence can be whatever the board decides as far as height and material. It was made know that it would not be any sort of privacy fence so that the neighbor is able to see through/over at the park. And so the neighbor does not have to look out their window at a solid fence. Ferguson went on to explain the ADA parking stall. He stated that it was placed in that area to protect the city garage door exit and the neighbor's parking structure and to discourage 'non' handicapped parking. He stated that they would pour an 8-inch thick slab of concrete in the alley for the parking stall. Oppliger brought up about having other options for the placement of the ADA parking stall. Ferguson stated that he could go back to JEO and have them draw up new spots for options. Ferguson stated that it could be optional as the fence is and the board will have to decide on those items. Oppliger asked if there was an elevation issue with different options of the area the parking stall is placed. Ferguson stated that this spot was chosen for its accessibility. It allows room to get out of the vehicle and at an elevation that doesn't require the person to go uphill or be on uneven ground. Evans asked Ferguson how much room there is between the carport and the handicap stall. Ferguson reported there is approximately 1 car length

in space between the parking stall and the carport. Evans reported that the carport holds 2 vehicles and that one is a pickup truck. She wanted to be sure they won't have troubles getting in and out of their carport in case someone is actually using the parking stall. Dahlberg stated that, currently, people park right up to the back of the carport and the renters don't care. He stated that if there is a ADA parking stall there, people won't park right up to the carport anymore. He stated that if someone illegally parks in the stall, the sheriff's office could be called. Oppliger asked how difficult it would be to put the parking stall on the street. Ferguson stated he would have to check elevation. Oppliger reiterated that he wanted other options due to the possibility of having upset homeowners, renters and business owners. Ferguson stated he would take to JEO again and get different options. He then moved on to the fence. He stated the fence will be pre-assembled aluminum fencing. He stated that the park build will be all volunteer as well as the take down of the current park. The volunteers will have to do the site demolition, cut trees, site prep and lay the concrete for the sidewalks. He stated that JEO will stake out the sidewalks prior. Ferguson went over the budgets that he showed. One is over budget in every category at a total of \$90,660. The other is close to the budget at approximately \$63k. Evans asked Ferguson if she could get a copy of the budget sheets that he shared. Ferguson stated that he would send her all the info on the budgets. Ferguson stated that we would need good black dirt to fill in. Reves stated that we should be able to get good dirt from the potato farm. Oppliger asked if there were several bids for the concrete. Ferguson stated that he did. Ferguson stated that the demo and build could be completed on a Saturday. He stated that we would need 15-20 volunteers that are 16 and older, music, breakfast and lunch. He stated it could all be done by 4pm that day. He stated there will be an 'installer' there to guide everyone. Oppliger questioned if there was plans for a perimeter fence around the entire park. Ferguson stated there was never a plan for a perimeter fence. He stated it will all be open. He did state that he had brought up the idea of possibly selling pickets to sponsors and place them in the garden area with sponsors names etc. on the pickets. Dahlberg stated that he had found a 4 foot, 6 inch bench at Menards for \$1,000. Ferguson gave suggestions for the sitting, circle areas. He stated that some other communities chose high back chairs. He stated that they are comfortable and we could even sell them as memorial chairs. Oppliger asked about grant funding with the budget being \$63-90k. He stated that the state grant funding dates are passed but wondered if there were other options. Young stated that she talked to Dave (JEO) about them and found that most are a 'one and done' type fund. Which means that you can only ever receive that grant one time in a lifetime. She stated that they are 'super in depth'. She reported there is a Game & Parks grant out there. She stated that we won't qualify for the state grant fund. She stated that she had spoken to people who said we won't qualify. Ferguson stated that the Village will receive 20% back for the rubber ground cover we are buying. He stated that we can do the build and then go after grant funding when we are finished. He reported that once the park is completed, we may get a lot of donors, since they can see what we've done. Reves asked if there would be mats under the swings. Ferguson reported that there will be mats buried under the sand beneath the swings. He reported the sand is very durable and will be 9-10 inches thick and is made of half sand/half pebbles. Oppliger stated he would like grants before completing the park however, he does not want to hold it up any longer. He stated that he believed the only issue we have right now is the handicap stall placement. Ferguson stated that he would use the base budget to make a focus budget and speak to Justin about the handicap stall placement. He stated it would cost \$1,000 for the concrete for the stall. Oppliger stated he liked the direction we are going and felt that Union Pacific would be excited to participate. Young stated that she is 'working on Union Pacific'. She stated that once we build it, we will get more donations. Ferguson asked the board if there were any more questions and there were none. He stated he would get documents to Evans and talk with JEO again and get back to the board. Ferguson left the meeting. A motion was made to approve the \$63k budget as currently put together by: Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

New Business:

2020 Street Project Bid Approval Evans stated that she has all the bids in front of her and that she had personally spoken to each one about payment options. She stated that all bidders were in agreement with regards to 2-part payments. One being this budget year and the second being in the next budget year, which would be October of this year. Evans reported the bid totals and start dates for each of the three bidders. Boruch Masonry was the lowest at \$110,984.00 with start date of July 1st. Sealcoat Services Inc. total was \$128,311.00 with a start date of August. BD Construction total was \$155,300.00 with completion by September. A motion to accept Boruch Masonry's bid was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

Proposed Street Lights (280th Ave. by Highway and South Corner) Oppliger reported that it would cost \$300 to install the 2 lights and \$36/mo. plus \$7.95/mo. per light for usage. He stated that he had talked to Platte County and it will be brought to the county board for approval. However, they wanted to know what the Village would be willing to help fund. Oppliger explained that he felt that with growth of the town and for safety reasons, that these street lights would be a good thing to have. He asked the board for their thoughts. Boruch stated that he didn't feel it was a good idea since the areas are out of city limits. He also stated that it wouldn't be any different than any other highway intersection which is the county's responsibility. Evans suggested that Oppliger possibly get written statements from residents who live over there and use that road, to take to the county board during their decision. The board decided not to participate financially to the addition of street lights outside of city limits.

Proposed 2020 Ballpark Contract Oppliger shared the document on the zoom screen for the rest of the attendees to see. Young stated that she added the \$75 fee and maintenance issues that were discussed and decided on last meeting. She also added that the concession workers will shut down and lock up prior to leaving the ballpark. Oppliger wondered if there would be some pushback on concession volunteering and asked Young if she had spoken to Nick Larsen yet. Young stated she had not yet spoken to Larsen about the ballpark rules/contract. Evans asked if there was any thought on how parking will be when there is a Polaski Hall function going on. She stated that whomever rents out the hall for a function may get upset if all their parking is full due to a ball tournament and the guests have to park by the street. Boruch agreed and stated to talk to Gary Schlesinger about functions as he is the one who takes care of the Polaski Hall. Oppliger suggested that something be put in the rules about not parking near the hall during a hall function. A motion to approve the ballpark rules/contract as written was made by Humlicek,

second—Oppliger. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

Proposed Employee Evaluation Form Oppliger asked who will be the ‘supervisor’ for signatures etc. The board discussed and decided it should be the Chairman. Evans reported that Boruch had noticed the ‘semi-annual’ label on the form. She took that out so that the choices would be ‘probationary’, ‘annual’ or ‘special’, as to what type of evaluation it is. Evans pointed out that the ‘step/grade’ is still on the form and that it does not apply to our situation. She explained that this is for an employer that offers a ‘latter’ system for employees to climb and receive bonuses and performance raises for reaching the goals of each ‘step’. The board discussed and decided to leave it in the form. A motion to approve the evaluation form the way it is was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

Well Usage Violation Bob Hinze was written a letter inviting him to either attend the meeting or write a letter addressed to the board if he wished, about the situation. Hinze is not present and no letter was received from him to this date. Oppliger stated that he spoke to Hinze today and that Hinze did have his well hooked up to run his shop, indoor plumbing until he spoke with Oppliger and then shut it off. He reported that he would get a check valve added in order to avoid system contamination so that he could continue use of it to run his indoor plumbing. Oppliger stated that Hinze told him the Village was welcome to come inspect it anytime they wanted. Oppliger reported that he did make clear to Hinze that we still need a copy of his state well registration. Hinze will provide that once he has it. Evans stated that the Village ordinances prohibit wells to be used for indoor plumbing. She stated that the ordinance stated that wells are ONLY to be used for outdoor watering of lawns and/or geothermal usage. Oppliger stated that he would talk with Hinze again and clarify this to him. Reves reported that the well was never unhooked from the shop. He stated that he went to turn off Hinze’s water in order to flush the hydrants and found it was off but still hooked up. Reves reiterated that the Village of Duncan Ordinance book states that wells are only to be used for outside watering and geothermal use. It is not to be used for indoor plumbing.

Behlen Building Move Dahlberg stated that after the flood, the Village was offered a Behlen building that we could place and use near the water treatment area. He stated that he got an estimate, from Bierman’s, on what the cost would be to move the building and reconstruct it. He reported that the estimate was for disassembly and reassembly but no electrical or doors etc. The estimate was a total of \$131,238.51. He stated that we could build one ourselves for less than that. So, Dahlberg stated he would politely decline the offer of the ‘free’ building from Hamernick’s.

Summertime Ordinance Enforcement Oppliger stated that the 4 wheelers are coming out and that we may need to resend a reminder letter to residents and new residents on the rules/ordinances regarding them. Dahlberg asked who would be enforcing the ordinances. He wondered if just taking a picture and emailing enough to issue a ticket. Oppliger stated that he spoke to the Platte County Sheriff. He was told that it is not their job to enforce towns ordinances. They only enforce state statutes when involved. Oppliger wondered if we could send a letter with a fine and have the Sheriff department deliver it to the resident. Humlicek stated that other towns contract with Sheriff departments to patrol their towns and help with enforcement and filing citations. Evans reminded the board that in small towns, the board members are the ‘enforcers’ of the ordinances. She stated that it is really mainly a communication issue. She explained that most people do not know what the ordinances are and that they are even in violation. And that if a board member would just speak to them calmly about the ordinance they are in violation of and how to be compliant, most matters would be taken care of. She stated she understands there will be a few that do not care and will purposely violate ordinances. And in those cases, they could be warned and fined otherwise. Oppliger stated he agreed with solving issues with communication. He stated it would not be good for a resident to be ‘blind-sided’ by a letter and/or fine. He stated he would rather not be confrontational with residents and that opening a dialogue would be beneficial. Oppliger agreed that a reminder letter to residents on 4wheelers would be good to send out. He suggested sending to the Duncan Lake Board as well since there are several Duncan Lake residents driving their 4wheelers to and throughout Duncan. They should be abiding by our ordinances if in our town and letting them know what they need to do to be compliant would be good to give the board. Young reported that there are 4wheelers that get to the top of the hill, where her home is, and then drive as fast as they can on that road. She stated that she agreed with sending a reminder to all residents but not the entire ordinance. Evans stated that she would get a letter ready to send and refer residents to where they can find complete ordinances in the letter. She reported that she will also include fire pit safety and mowing/grass disposal and the tree pile as well. The board agreed.

Departmental Reports:

- A. Utilities** Reves reported that the brine pump went out and a new one replaced it for \$900. He stated that the brine meter was \$450. He reported that it is running fine now.
- B. Parks & Rec** Reves reported that he had spoken with Travis Stempek whom had communicated with the church diocese and was told there was concern about placing playground equipment on the church property where it was suggested the old park equipment be placed. He suggested looking to the church for regulations on moving any equipment over there prior to doing so. Evans reminded the board that the church/village contract does state that any additions or changes to the property are to be approved by the church beforehand. Oppliger stated this should be a future agenda item.
- C. Planning & Zoning** Dahlberg inquired about any possible building permits. Reves reported he issued one to Runquist. Dahlberg stated that he noted the Lehr rental on the hill was adding a structure. Reves stated he would speak with them about it. Evans reported that Brock Lehr had inquired about the permit and would get it completed but just needed reminded. Reves reported that the P&Z committee would be holding a public hearing soon with regards to recommending a conditional use permit to US Cellular for them to construct a cell tower north of town on Travis Stempek’s land. He stated that once

they held the hearing and it was approved for recommendation to the board, the board would need to have a public hearing to approve the conditional use permit recommended by the P&Z committee.

- D. Clerk Report** Evans reported that she is inquiring about getting radio read started even with the full capability of the billing software is not being used yet. She stated once radio read is implemented, there will be no possibility of human error with readings or charges on bills. This information is direct from the computer and the radio that reads the meter readings.
- E. Treasurer Report & Updates—Approval of Bills** Laska stated she had the last payment to Duncan Rural Fire for \$22,188. She reported everything else was typical bills. A motion to approve the bills as reported was made by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, 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 on **Monday, May 11th, 2020 at 7:00 PM.** Being no other business, adjournment was made by Oppliger at 9:04 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)