**VILLAGE OF DUNCAN BOARD MEETING**

**Public Hearing**

**April 9th, 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**:**04 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: Nathan Boone (JEO Engineering), Paul (DA Davidson Financing), Kim/Jeremy Pichler and Cody/Don Engel. *A motion to approve the March 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.* Schaefer publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. Kim Pichler of 1321 8th Street, Duncan, presented to the microphone. She reported that her basement flooded again due to a sewer back up that she believed was the Village’s responsibility. She stated her property was destroyed such as carpet and furniture. She stated that the last time this happened, in September 2017, the plumber from Preferred Plumbing came out to unclog it and stated that the clog was due to insufficient Village maintenance of the sewer lines. However, it was due to roots at that time. Pichler stated that she was told by Village personnel that they would get back to her on the last time the sewer lines were foamed for roots and she had never heard anything back. Schaefer stated that since Pichler had not requested to be on the agenda that the board cannot discuss or vote on anything to do with her issue. The 5 minutes is only for residents to state their opinion and not to discuss with the board. Pichler reported she did not know she needed to be on the agenda to discuss and was upset that she was never called back by Village personnel in order to know how to get on the agenda. Schaefer stated we will be discussing her neighbor’s sewer back up from the same line since it is on the agenda and perhaps some of her questions/concerns would be answered then. Pichler returned to her seat and Schaefer continued with the meeting.

**Unfinished Business:**

1. **Law Suit Update** Schaefer read the letter from Stan Emerson (Village Attorney) dated 4-9-18. It included the letter that Emerson received from the Lucy Boruch estate’s attorney. Emerson suggested (in the letter) that the Village deposit the check received the prior week, right away. Schaefer went on to read Emerson’s letter which stated that the funds could be divided up among any accounts as the Board approves. Schaefer reported that the check amount was $47,541.10. Schaefer suggested the Board decide what account to put it in and what it should be spent on. Young suggested to put it all in the Parks & Recreation account and be used on new playground equipment at the Main Ave. park. Boruch and Dahlberg agreed with Young. Schaefer stated that he felt that it was a lot of money to all be put into one account (Parks & Rec). He suggested that half be used for the street project coming up and the other half be put in the Parks & Rec account and used for playground equipment. Young stated that park equipment will be approximately 30 thousand dollars including labor etc. She suggested to put any remainder money left, after buying the park equipment, into the street account. She stated that Jamie Frey has a brother that works for the Parks & Rec in Omaha and that he has a lot of good contacts for getting a good deal. Dahlberg suggested a water park. Reves stated water parks are not a good idea for our town because we would be using and dumping too much treated water. He stated that at the Nebraska Rural Water conference he went to, they suggested it was a bad idea for our town. Schaefer stated that we could drill a well and use that water so that we are not using treated water. No further discussion. *A motion to place the entire amount of the law suit check into the Parks & Rec account and be used for playground equipment was made by Young, second—Dahlberg. Vote was as follows: voting aye-Staroscik, Young, Dahlberg and Boruch. Voting nay—Schaefer.*

**New Business:**

1. **Street Project Financing** Paul with DA Davidson Financing Co. presented to the microphone. He handed out folders to each board member with the info on financing. He stated that he had figures for an amount of $290k borrowed from the Village. He stated he’s aware it may not end up being that much but he just used that as the amount to have a cushion. He discussed the figures with the Board for a 10, 15 and 20 year schedule. He talked about using bonds as a way to finance. He stated that current interest rates were 2.72% for the 10 year and 3.06% for the 15 year and 3.32% for the 20 year financing options. He stated there are options and that if they would do the bonds, they would sell easily. He reported that there would be a $5k fee for underwriting fees. Paul stated that he could come back at our May board meeting to get a final answer and total on the project and agree on financing terms. He stated he would bring an ordinance with him to cover the financing and that it would not exceed $250k. He stated he could sell the bonds and come back for approval and have the money ready in 30 days. Schaefer reported that the Board would decide who will do the financing at the next meeting. Paul gave his engagement letter to Schaefer to sign so that he could continue on the financing. Schaefer asked if it meant we were deciding on them for sure. Paul stated that it was not a binding contract. He stated that he would treat the Village fairly but that he could not do much more for us until he gets the signed engagement letter. Schaefer stated his understanding.
2. **Planning & Zoning Annual Report** There is no one from the P&Z committee available or present to give the report. Therefore the report will be postponed to next month’s board meeting.
3. **Street Project Review of Bids/Award Letter** Nathan Boone (JEO Consulting) presented to the microphone and stated that he reviewed all the bids for the street project. He reported they were all within $2400 of each other. He stated that Constructors was not the low bid. He reported that Paver’s were the lowest this time. He stated that JEO has worked with both companies before and they were both good. He stated that Paver’s bid was $206,729. They could start by July 30th, 2018. Bid packets were handed out to each Board member. JEO’s construction fee is $20,150 and their construction amendment fee is $21,000 for a total JEO fee of $41,100. That includes the material studies needed and onsite construction supervising. He stated that if the Board approves the amendment, the total would be approximately $260k. The Board looked over the bids and discussed briefly. *A motion to award the street project bid to Paver’s was made by Young, second—Staroscik. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none*
4. **Street Project JEO Amendment to Contract** Boone explained the Amendment which included JEO construction administration services, construction staking and observation full time during asphalt lay and part time during removal, would be at 120 hours total for the project. Schaefer asked for reaffirmation that it included the spreading and grading out the millings on 5th street. Boone reassured the Board that it was all included in the bid price. Boone stated that the amount of the amendment could go down a little bit if the 120 hours is not reached. *A motion to approve the JEO Amendment to Contract was made by Boruch, second—Dahlberg.* *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none.*
5. **1315 8th Street Sewer Back Up** Cody and Don Engel approached the microphone and explained that there was a sewer back up in their basement that was caused from a clog in the Village sewer main. They are requesting either reimbursement from the Village for damages and clean up services or Village insurance information so that they can file a claim with them. Don stated it is a recurring issue. Cody Engel (brother to Don and previous owner of home) stated that it had happened to him in 2009 and the Chairperson Betty Kropatsch called the Village insurance and the adjuster came out to assess. He stated that Obrist came out that time and opened the manhole and said it was a city problem due to negligent jetting of the lines. He stated the insurance adjuster came out the next day and they covered all damages. Don Engel stated that this time, the plug was in the street and therefore should be the Village’s responsibility. This was confirmed through Drain Surgeon (unplugged the clog). Boruch asked the Engels what was causing the plug. The Engels responded that they were not told. Reves presented and stated that the Drain Surgeon reported to him and on the invoice that it was clogged with baby wipes and that this was the 3rd time of getting them out of that pipe. Don Engel stated that he does not flush baby wipes. He stated that the back up happened in September as well but he did not report it. He reported that he thinks there must be a belly in the service system or it’s uphill or something. Cody stated that after the 2009 incident, Kropatsch had the lines jetted every 6 months. Reves reported that the cause of the 2009 plug was tree roots which is Village responsibility and the lines were not jetted every 6 months but rather flushed. The lines are currently flushed twice a year. Engels stated that they believe that since it was in the city sewer line, the Village should take responsibility for the damages. They also stated that this is preventable and something needs to be done. Schaefer asked Don what his cost estimate was for damages and clean up services. Don reported he did not have an estimate. Cody stated that an insurance guy came and wrote out an estimate the last time. Schaefer asked if they wanted the insurance adjuster to come out or just be reimbursed? Don stated that he had already cleaned his basement up and he would like reimbursed for his time and property damage. He reported that the approximate cost of that was $5k plus $3k for materials thrown out (damaged). Schaefer stated that the problem in 2009 was roots which is the Village’s responsibility. However, this time it’s due to items being flushed that are not supposed to be flushed. He stated that we could call the insurance company and have them investigate it. However, they will most likely fight not to pay for anything. Schaefer stated the insurance adjuster will make sure there was no negligence on the Village’s part. Reves reported that in 2009 there was no full time water employee at the Village…now he is the full time water employee and maintains the lines appropriately. He reported that if the Village wants to go from flushing the lines twice a year to jetting the lines twice a year, it will cost the Village approximately $18k per year, which would add $9-10/month to everyone’s water bill. He produced invoices from this back up, as well as the back up in September 2017 at Pichler’s. The 2017 invoice stated on the invoice that the cause of the plug was paper, waste, grease, soap. In March of 2016 Johnson’s was out here to do their annual root foaming and tv’ing lines and found in that exact spot, that there was a near plug filled with a rag and baby wipes. They cleared the near plug, avoiding a potential back up. Reves reported that there was no uphill or belly in the line that they could see at that time. He stated that last September there was a similar back up in the Dahlberg addition which was caused by tampons, baby wipes etc. He reported that in the November bill, we sent out a full page flyer that listed all the things not to flush and warned people of the potential back up if they continue to flush items of that sort. He stated that he also had a customer move to a different house in town where he had a back up. It was cleared and there was another back up. The owner was told to switch his toilet paper to one ply. He did, and he has not had a back up since. The Engels stated that the fact is that the tap is the cutoff for owner and Village responsibility and this is on the Village side. Don Engel stated that he pays a premium sewer rate and expects good service. Reves responded that the Village cannot control what people are flushing down their toilets. Schaefer stated that it would be tough to figure out who is flushing the unflushable items that are causing the plugs. It is important to talk to your neighbors and remind them not to flush the wrong items. Schaefer stated that pretty much every house west of that house could be causing it. He suggested that we have Johnson’s come out and tv that line to determine whether or not there is some other reason for the continuous clogging. Schaefer then reported that a $5k claim is not feasible for the Village, therefore, we will call the insurance company and let them investigate. He stated that we still need to investigate that line further. Don Engel asked if the Village could treat with chemicals. Reves stated we cannot use chemicals in the sewer lines. Don Engel reported that he did not want to keep going through the same problem. He stated he is worried about his kids’ health and that he wants a solution now. Schaefer stated that we can get insurance involved to investigate the financial responsibility. He stated that the clog was in the city main line, however the clog was caused from somewhere we cannot know. He stated that this is all Village money (Customer’s) and we all need to be conscious of what is going down the drains. Reves reported that the new low flush toilets and front load washers are causing some of the problem due to the fact that they are using a lot less water. So, less water is being used to move waste through the pipes. He stated that the residential sewer lines are 4 inches and the sewer main is 8 inches. So, the clog builds up and gets pushed out into the bigger line and just sits there from lack of pressure and less water to move it. It keeps collecting debris until if fully clogs the line. Dahlberg suggested sending a letter to that side of town to inform them of the situation and warn them on what not to flush. Boruch suggested sending the flyer more often to the townspeople. Young suggested flushing the lines every 3 months. Don Engel reported that with the back up, he had approximately 2 inches of standing water in his basement. He stated that he had asked the real estate company to check the empty house next door and they found nothing. He asked if they could receive notice with a bill or something when Reves will be doing the flushing, so they are informed. Reves suggested they get on the website and register for alerts. Any alerts will be delivered that way and he would get notification by text and/or email on anything alerted by the Village. Engel stated his understanding. *A motion to file a claim with the Village insurance company was made by Dahlberg, second—Young. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay—none.*
6. **Audit Report** Laska presented to the microphone and reported that the audit went very smoothly. She handed out the report to all Board members. She briefly went through the report and explained to the Board. She pointed out that the Village lost a lot less on water than previous years due to the gradual increase of water rates. Soon there will be no loss. She reported that our budget was $420k (estimated) and our actual use was $416k (estimate). She reported that everything for the audit was submitted on time so there will be no penalties including holding of highway allocation funds. Schaefer stated that Jill Clay (Countryman Assoc) told him that we are doing well. Schaefer commended all the Village employees and board members and said that we are working well together and he appreciates all the hard work.

**Departmental Reports:**

1. **Utilities/Maintenance/Streets** Reves reported that 3 fire hydrants were replaced and the concrete poured. He stated that the water shut off valve was also placed at the fire station as planned. He stated there was a leak at the well at the west park. He stated that well is not in use and the pump was never fixed from when it had frozen up years ago. Reves suggested just doing away with that well. Sprinklers are hooked up there. We would have to put a valve in to run the sprinklers. Schaefer stated if we need to fill the tower, would we need it? Reves reported that we would not. We have one back up well at Main Ave. He reported that the West park well would cost approximately $30k to fix. Reves also reported that Johnson’s are due to come out this spring and he will have them look into the line at the previous resident’s intersection to see if there are any roots or problems within the line that would be causing the back ups.
2. **Parks & Recreation** Young reported that she would get ahold of Jamie Frey to get his contact information for the park equipment. Reves reminded Young that we need to make sure it will all fit. He stated that there is not a lot of room for the new big equipment, with the trees and other structures there. Young stated she will have the guy come out and see what will fit. She stated that we won’t buy unless we know it will fit. Young stated that it will be great for the public to see we are actually doing something. She stated we would get more donations from people if they could see that we are doing something with their money.
3. **Planning & Zoning** Zoning permit was issued to Tyler Rowert. A public hearing is scheduled for the P&Z April meeting for a conditional use permit for Rick Wagoner. If recommended, the Board will have a public hearing at the May meeting as well. The resident is taking the current garage down and rebuilding a new one in order to work on cars out of it according to the ordinance.
4. **Clerk** Evans handed out her report on the League of Municipalities Conference that she attended last month. She briefly described the conference and her report on things she learned. She stated that she learned a lot this year, just as last year. She asked the Board members to read her report to learn the important things she learned that could benefit the Village. There was a lot of very informative information and advice given at this conference. She stated that they gave her a thumb drive of all the presentations and if anyone would like to view it, she could show it to them or let them borrow it.
5. **Treasurer Report** Laska reported the monthly bills. There was a JEO bill for the final design, bidding and negotiation of the street project. Evans stated she would contact Boone to see if that is due now or once the street project is underway or finished. 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, May 14, 2018 at 7:00 PM.**  Being no other business, adjournment was made by Schaefer at 9:25p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)