**VILLAGE OF DUNCAN BOARD MEETING/PUBLIC HEARING**

**November 10th, 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**:**02 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, Chris Staroscik, Josh Dahlberg and Joe Boruch. Paige Young was absent. Also, in attendance, were Village Staff: Don Reves Mari Evans and Stephanie Laska. Visitors included: Michelle/Jeff Oppliger. Present for the bids were Cuba Construction LLC., Fauendorfer Unlimited LLC. CK Excavating Inc. was not present. However, he did submit a bid. Schaefer publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. No comments were made. Schaefer proceeded with the meeting*. A motion to approve the November 15, 2018 Board Meeting Minutes per minor changes stated was made by Dahlberg,* *second—Staroscik*. *Vote was as follows: voting aye-Staroscik, Schaefer, Dahlberg (Boruch was absent last month-abstained). Voting nay--none. Young absent. The Chairman declared the motion carried.*

**Unfinished Business:**

1. **NDEQ Violation Update** Schaefer reported that he has not spoken to Lehr yet. He stated that NDEQ did call recently to check up on how it was going. Schaefer stated he will talk to Lehr prior to the next meeting.
2. **Zoning Committee Appointments** It was reported that Holden Shonka would be willing to be on the P&Z Committee. *A motion to appoint Holden Shonka to the Planning and Zoning Committee* *was made by Dahlberg, second—Boruch.* *Vote was as follows: voting aye-Staroscik, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*
3. **Ordinance 131.03 Revision (Sexual Predator Residency Restriction—Amend to Include Parks)** Evans stated that she had researched why parks were not included in the law, as only schools and daycares are. She found some small towns had included parks in their ordinance. However, she emailed an attorney from the League of Municipalities to be sure. The attorney emailed back a lot of information on it. It appeared there is no law stating that parks are to be included however, it does not state they can be excluded. The attorney sent copies of case files regarding this matter. Some cases were for including parks and some were against it. The issue is when you have a small town and you include schools, daycares AND parks, that leaves very little area for a sexual predator to live. One case claimed it infringed on his civil rights and it was deemed unconstitutional and won his case. Evans stated that the attorney from LOM did not advise her either way but from all the paperwork she sent, it seemed as though we could add parks but that would open us up to possible future law suits. The board briefly discussed and decided that it was not advisable to open the Village to possible law suits and that we should revisit this when new laws come out pertaining to this subject. The board were all in agreement. Reves also updated the board about the previously talked about predator that was supposedly living across the street from the park. He stated that he had spoken to Woods (owner of property) and was told that the man never had lived there. Reves stated that the man just used the address to receive mail at. Woods reported to Reves that he had never even seen him before. That he was just a friend of the former renter.
4. **Proposed Goose Fence for Lagoon** Schaefer reported that awhile back, Ben Jareske (farmer of land near lagoon), had requested the Village put up a goose fence at the lagoon to prevent the geese from gathering there. The geese were affecting his crops (chewing off his beans). Schaefer contacted the Nebraska Game and Parks and discussed with them. They reported to Schaefer that they would pay for the fencing if we would allow Jareske to use our posts. Schaefer stated that the Game and Parks would send one or two guys and he is hoping that Jareske will help them. He stated that we could also help and oversee the project. He stated that right now, they are just asking us to give permission for use of our posts for the fencing. Boruch asked how tall the fence would be. Schaefer stated it would only be about 3 feet tall. The same height our barbed wire fence is right now that is there. The goose fence would be erected on all four sides of the lagoon whereas the current fence is only one side. Schaefer stated that Duncan Lakes had the same problem and they tried to do less fencing but the geese figured it out and went around. He stated that Game and Parks reported that the geese will not fly up over the 3 foot fence due to their young ones not being able to follow. A few board members asked if it would cause more work for Reves with mowing/trimming. Reves reported that he would just spray the fence line as he does now. Dahlberg stated that the fence would collect corn stalks and weeds that blow through. Schaefer asked the board what they thought. The board agreed that it would be okay as long as it doesn’t cost the Village anything. Schaefer stated he would let Jareske know the board’s decision but that the Village will not be putting any man hours into it. *A motion to allow Jareske/Nebraska Game & Parks use our fence posts to erect a goose fence around the lagoon was made by Dahlberg, second—Staroscik. Vote was as follows: voting aye-Staroscik, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*

**New Business:**

1. **Board Appointments** Schaefer thanked Staroscik for his service to the Village as a board member. He then read the results of the election that showed Dahlberg and Oppliger had won. After Staroscik thanked by the board, he stepped down and Oppliger presented to the microphone. Oppliger swore the oath aloud to all in attendance. He then took Staroscik’s seat at the board table. The board welcomed him. *A motion to appoint Oppliger as new Village Board member was made by Dahlberg, second—Boruch. Vote was as follows: voting aye-Staroscik, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*  *A motion to appoint Dahlberg as board member was made by Boruch, second—Oppliger.* *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*
2. **Chairman Appointment** Schaefer reported that he will be moving out of town sometime this next year and is willing to step down as Chairman now in order to be able to stay on the board and guide/help the new chairman if anyone is willing to accept the position. No board member agreed to be chairman at this time. *A motion to reappoint Schaefer as Chairman was made by Boruch, second—Dahlberg.* *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*
3. **624 5th Street Abatement Clean Up & Demo Bid Review/Approval** Schaefer reported that there are 3 bids that were submitted to the Village. He stated that BD Construction did not turn one in as previously anticipated. Schaefer opened the sealed envelope and read the first bid by Frauendorfer Unlimited LLC. The bid was all-inclusive and totaled $16,800 with additional costs possibly arising. The bid stated that price did not include removing the propane tank or any underground plumbing. They reported that the job would take only one day and would be completed within the next 2 weeks. It stated that if the concrete driveway was not removed, it would decrease the bid price. Board members briefly discussed the bid with Frauendorfer. Schaefer then read the bid from Cuba Construction LLC. The all-inclusive bid was for $7,800 and included the concrete and propane tank removal along with all the other removal, dump fees and ground work. He stated that it would take him approximately one and a half days to complete and would be able to complete it soon. He stated that he has a certified asbestos guy that he can have examine the property to make sure there is no asbestos. He stated that cost would be extra and is $250 for the exam but not removal if needed. Schaefer then read the bid from CK Excavating Inc. (not present). He asked the other two bidders in the room what they figured for garbage dump fees. Cuba stated that the bids were to be all inclusive and that should be included in the bid. If not, it should be thrown out because it is not all inclusive as requested. Schaefer stated that he had spoken to the owner and advised him that we could figure that cost out. His total fee was $1600 plus garbage dump fees. Cuba stated that he does this for a living and if this were anywhere else, that bid would be thrown out due to being incomplete. The board discussed briefly and agreed. Oppliger stated that the board should just focus on the complete bids. Schaefer stated then that CK Excavating bid was no longer valid due to not being complete. The board discussed the two bids present and decided to go with Cuba Construction LLC. Due to the cost being so much lower that Frauendorfer. *A motion to accept Cuba Construction LLC’s bid was made by Dahlberg, second—Oppliger.* *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.* Cuba stated he would keep in contact with Reves so that we have as much notice as possible before the demo. In order to give proper notice to all possible owners of the property. He reported that if anyone needs concrete to let him know as he will have all the driveway concrete to get rid of. Cuba asked the board if they would like him to pay for the asbestos check and put on his bill for us or if the board wanted to contact and pay the asbestos inspector themselves. Schaefer reported that we could contact him and pay him directly. Cuba stated he would give his contact info Reves. He stated the inspector could be down here ASAP to inspect the structures whenever we want.
4. **Proposed R18-227 (Board Compensation Increase** Dahlberg read the resolution aloud for all to hear. The new compensation will be Chairman = $95/meeting and all other Board Members = $65/meeting. *A motion to approve R18-227 was made by Dahlberg, second—Boruch.* *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*
5. **Reappoint Village Engineer (JEO Consulting)** The board discussed briefly about the satisfaction with the current engineering company. Evans and Reves both stated that they have been great with everything they have dealt with them on. *A motion to reappoint JEO Consulting as the Village Engineer was made by Dahlberg, second—Boruch.* *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*
6. **Reappoint Village Street Superintendent (Scott Cowels-JEO Consulting)** The board asked aloud how satisfied we are with the current superintendent. Reves explained that he comes to one meeting per year and takes care of all the paperwork for the 1 & 6 year road plan for us so that we qualify for lane miles. Reves and Evans reported no problems with him. A motion to reappoint Scott Cowels as the Village Street Superintendent was made by Oppliger, second—Dahlberg. *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*
7. **NMCA (Nebraska Municipal Clerks Association) Request to Attend Conference** Evans reported that this conference is in March. It is the same conference that she has attended the last two years and has learned a lot each time she goes. She stated it is really worth her time as she feels it helps the Village a lot. She stated that she has applied for the scholarship again this year. The last two years she had received the scholarship. She stated she is unsure if she will be able to attend the entire week conference due to home conflicts. But she would for sure go to the academy which is three days long. The conference is in Kearney, NE. this year. She is requesting the board approve for her to attend the entire conference with hotel/gas mileage/conference paid. *A motion to approve Evans to go to the NMCA Conference in March was made by Boruch, second—Dahlberg.* *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*
8. **Proposed ACH Automatic Payments from Customers** Laska presented to the microphone to explain what allowing customers to pay by automatic bank account withdrawal, by us each month, would cost. She stated that we now have free checking and to do this, we would pay a $20/month fee for the checking account. There is also a fee based on the amount of the transcation. Based on her calculations, the cost would be approximately $3.50 + $.14 per customer + $20/mo. She stated there is no limit on number of transactions. She reported that the bank would also give us a file that we could upload directily into our billing software so that the payments will automatically post. Laska asked the board if they would like to charge a convenience fee. The board discussed briefly and decided that a $1 per transaction fee would be a good start and then re-evaluate the amount again in a year or so once it gets going. The board agreed. Oppliger suggested to be careful on the fee amount in order to not have to increase it on customers. Laska reported that she will need a voided check from anyone who would like to participate and she would like the amount to be able to come out of accounts on the 26th or 27th of the month in order to be sure we are keeping payments within the same month of the billing. Evans stated she would talk with Laska on what to include in the new flier to customers to let them know what exactly is needed from them prior to starting. A motion to approve the ACH customer auto payments with a $1 transaction fee was made by Dahlberg, second—Oppliger. *Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman declared the motion carried.*

**Departmental Reports:**

1. **Utilities/Maintenance/Streets** Reves reported that he is moving along well with getting every meter’s wires crossed in order to prepare for the new meter equipment needed for radio read. He stated that he has 90 out of 170 completed. Reves brought to the board’s attention that the current street sweeper did not make it to his final sweep this year and does not think he will be able to now. He stated that the contract we hold with him is up this month. So, if the board wanted, they could take bids on this again and look at some competition. Reves stated that he had spoken to the company that does Osceola’s streets. He reported that it is actually a construction crew out of Fairbury. They stated they were interested in sweeping Duncan. They have new equipment and are very flexible. They have 4-5 people that do the work. Because the Nebraska Sweeping contract is up this month, we will have to get bids anyway. Reves reported that the current sweeper works alone and has had some personal problems that seemed to affect his duties to our contract. Reves stated he feels bad for him however, he needs to look out for the Village of Duncan first. Reves reported that we will need to advertise for bids before spring. Reves reported that he thought about calling the city of Columbus however he felt that they most likely would not due to the possibility of all other smaller towns trying to get them to do their streets as well. Reves stated that it wouldn’t hurt to ask though and will call them. Reves reported that the tower was cleaned and inspected without any problems by Maguire Iron as contracted. He stated they had a camera go into the tank to take pics of the inside to inspect. He stated they would give us copies of the pics as well. No further report.
2. **Parks & Recreation** Schaefer stated that they need to meet at the park and measure and make a plan for this project. Schaefer then read the ‘To do’ list that was prepared by Reves which included: Removal of tree(s), digging up and moving sprinkler heads and lines, removing the incomplete sidewalk on the north side of the park, having at least 3 men here to accept the shipment with a fork lift that can lift 4,000lbs., having somewhere to put the new equipment until it can be assembled and having someone to take down the old equipment and somewhere to put the old equipment (dump—cost). Schaefer reported there seem to be quite a few things that need to be thought of and planned out before ordering equipment. Young wanted to get approval at this meeting to order the equipment due to the price. The deal was for the discussed price but only through December. The price would increase in the new year. Schaefer stated that Evans was in contact with JEO and they have a guy that works only with Parks & Rec projects that was willing to help us for free. She spoke with him and has given him Dahlberg’s and Young’s email addresses so that they are all aware of what he has to say. Jeff Ray (JEO Consulting) happened to be in the Village office last Thursday and discussed with Reves and Evans briefly on the project. He stated to them that if we do sell the old equipment, we need to be sure to list it as ‘scrap’ so that if someone buys it and puts it up for usage and gets hurt on the equipment, they would not be able to come back on the Village. He did declare that the best idea would be to just scrap it and dump it. Reves reported that in order for the new equipment that Young wanted, we will need to move the old swings that she wanted to keep. Evans asked if it was legal to even move it. Reves did not know but planned to look into it. Dahlberg stated that he and Young are in contact with each other and have agreed to put off ordering the equipment in order to come up with a good plan and to check more on grant applications. Evans reported that the JEO rep had told her most grant apps are due Sept. 1 so we would have to wait until next year to see if we qualify for any grants. But there are other grants out there besides state grants. Evans reported that she has several opportunities in her office for different park grants. She stated that in fact, Dave (JEO) had told her that most parks projects are completed with grant money. Schaefer wondered if we would still be able to get grants if the work and equipment are already installed. No one knows that answer and it will be relayed to Dave (JEO). Schaefer also reminded the board that the Village is allowed to assess a levy (tax) to the villagers specifically for the parks & rec account if desired. The board did not think another tax would be good for the town at this time. Reves reported that since increasing the water rates, the water should soon be paying for itself. So, instead of paying for the loss of water with sales tax, we can use some of that for parks & rec. The board agreed. Jeff Ray also notified Reves that wood chips for ground cover are NOT ADA approved due to not being handicapped accessible. He reported to Reves that the best thing would be the rubberized mat. Evans reported that her research showed the same. She stated it is the most expensive ground cover but also is the least costly. It needs no maintenance and lasts the longest. Wood chips can hide glass shards that may linger from being directly next to a bar as well as other debris and bugs. They also get out into the grass and then Reves would have to sweep it back in so that he doesn’t pick it up with the mower when he mows. She reported that months ago, she had emailed a detailed list of each type of ground cover with the pro’s and con’s of each one to all board members. Evans also stated that another thing for the board to think about would be donor recognition. It had been discussed in prior meetings to possibly have a pinboard with donors’ name on it or possibly a picnic table or bricks (in sidewalk) with donors’ names engraved on it. She stated it should be considered as well, in the cost of everything and the board will need to decide what they would like to do in honor of the donors. Schaefer stated these are all things that need to be thought about and planned out. He stated we could do that and then come back to the next meeting with the plan. Dahlberg, Young and Evans will stay in contact with Dave (JEO Parks guy) and work on a plan.
3. **Planning & Zoning**  Evans will send a welcome letter to Shonka. No further report.
4. **Clerk Report** no report.
5. **Treasurer Report** Laska handed out a monthly recap to each board member. She briefly went over the larger bills. None of which were unexpected. Reves finally got the LED bulbs to replace in the Christmas decorations. He stated he already had the decorations up this year but after the Holiday he will get them down and change out the bulbs to the LED bulbs so they are ready for next year. Laska reported that there must be another company with a similar account number because there was a bounced check for $250 that got taken from our Parks and Rec account. The check had nothing to do with the Village and was an obvious mistake by the bank. Laska stated that $250 would be back in the account after she talks with the bank in the morning. Schaefer asked about putting the street project cost/loan/bonds on the bill recap sheets. Laska stated that she would talk to Jill (Countryman—accountant) about the bonds and their maturity etc, and try to get them on there. After the board reviewed all the bills, *A motion to approve the bills was made by Boruch, second—Dahlberg. Vote was as follows: voting aye-Oppliger, Schaefer, Dahlberg and Boruch. Voting nay--none. Young absent. The Chairman 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 scheduled meeting will be held on **Monday**, **January, 14, 2019 at 7:00 PM.** Being no other business, adjournment was made by Schaefer at 8:31p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)