

VILLAGE OF DUNCAN BOARD MEETING
December 14th, 2020
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 7:04 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, Paige Young, Jeff Oppliger, Josh Dahlberg and Joe Boruch. Also, in attendance were, Village Staff: Don Reves, Michelle Schindel and Marianna Evans. Visitors present were: Steve Langton, Betty Kropatsch, Travis Stempek, Tom Maul, Neal Valorz and Joe Runquist. The Pledge of Allegiance was recited by all in attendance. *A motion was made to approve the minutes from the November 9th, 2020 board meeting by Dahlberg, second—Boruch. Vote was as follows: voting aye—Wagoner, Young, 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. Young commented that she would like to clarify the cost of the new park. She stated that she reviewed the monthly recaps from the last year. She stated that Boruch had previously stated that the cost of the park was \$100k. She reported that the original budget approved was for \$63k. Then, she explained, there were overages approved. With overages, the ‘new’ budget was \$77,652. She reported that \$83,504.53 was spent. Donations and refunds collected were \$9,387.74 and she stated there has been \$450 more since. She reported the total net cost of the park was \$74,052.78. She stated that there are few outstanding bills with No Sweat Fencing for the picket and kiosk order, which were not included in her figures. She stated that they also sold the swing for \$500 which went toward park cost. Young stated that the final net park cost would then be \$77,150.92, which is about \$1k under the ‘new’ budget. She stated that she wanted to make sure everyone was aware of this and that all of her figures came from the monthly recaps for the past year. Oppliger also stated that the monthly recaps are available for public viewing online or in the office. Oppliger then continued with the scheduled agenda.

Old Business: 15th Ave. Alley Obstruction Oppliger stated that Runquist requested to be here and had to work until 7pm. He suggested moving this agenda item down the schedule in order to wait for Runquist to arrive. The board agreed and a motion was made to delay this agenda item by Boruch, second—Wagoner. *Vote was as follows: voting aye—Wagoner, Young, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

New Business: Appoint New Board Members Oppliger read aloud, the official election results from the Platte County Election Commissioner that were received today. He stated that Joe Boruch received 142 votes, Nick Wagoner received 42 votes, Steve Langton received 22 votes and Seth Gurley received 16 votes. Boruch will be reappointed to a new 2-year term and Wagoner and Langton will be inducted as the two, new, 2-year board members. Oppliger reported his opinion was that this election was handled very poorly and he did not agree with the process however, it is official now. Wagoner reported that it took until today to get the final results. Oppliger clarified that the Platte County Election Commissioner was apparently out sick shortly after the election until today and that is why it took so long for the official results. Oppliger thanked Young for her service and stated there was a lot of work for Young especially. Young left and Langton took her seat at the board table. All members recited the Oath of Office aloud. Oppliger then proceeded with the new items on the agenda.

Lagoon Easement/Land Right of Refusal Tom Maul presented to the microphone and introduced himself as the Sutko Estate attorney. He reminded the board that there was an agreement contract between Sutko and the Village in 2010 for an easement agreement. There was a provision in the contract that gave the Village first right of refusal if the land was ever sold. He reported that both owners of the land are now deceased and the children all want to sell the land. Maul went over the appraisal and agreement with the board. He stated that the land was assessed at \$6,600/acre and appraisal was \$6,557/acre. He reported that there is still 9 years left on the agreement with the Village and that agreement will go with the sale to any other buyer. However, when the term of the contract is reached, the new owner would have the right to enter into another agreement with the Village. Maul stated that he wanted to see if the Village was interested in buying the land and if not, he would be back when he received an offer. The Village would then have to decide whether to buy the land or refuse the offer. Wagoner asked if it was listed with a realtor. Maul stated that it was not. Oppliger asked what Benny Jareski was renting the land for. Maul stated that it was \$160/acre for farming rent. However, Maul stated that there are several more acres that he rents as well. He stated that the Village has right of refusal for 44 acres. Just where the pivot is. There is another 29 acres attached. He stated the appraisal value is 70% of the fair market value. No further questions for Maul. Neal Valorz (Village attorney) presented to the microphone and introduced himself to the board. He stated that he had forwarded his opinion letter by email to the board and that he is here to answer any questions the board may have for him about this subject. Wagoner asked if there was a timeline of making the decision. Valorz stated that all depends on the board and if/when they get an offer for the land. He stated that the board did not have to decide tonight. He suggested the board think of the long-term thoughts of property. He stated that the Village is not obligated to buy the land. But the land will be offered to the Village first. Oppliger suggested to the board to think about what we want to do. He stated that he doesn't think we need to make a decision right now. He asked the board if they thought we should get our own appraisal. He then suggested putting this item on the agenda for next month to discuss more, after gathering our own facts. Boruch stated that he was told that Ben Jareske wanted to buy it and keep the agreement with the Village the way it is. Boruch stated that he didn't think there was any use in the Village buying the land. Wagoner asked if the Village leased from Sutko. Maul stated the Village does not pay anything for using Sutko's land. Reves stated that if the estate does get an offer from someone, that they would have to come to the Village and offer it to us at matching price first. Oppliger stated that we will put this on the agenda for the next meeting and make a decision then. He again

suggested the Village get its own appraisal. Josh suggested reaching out to Jill (Countryman Assoc.-accountant) and asking her if there would be a benefit for the Village to buy the land. No further discussion from the board.

St. Stanislaus Request for Help with Water/Sewer Bills Travis Stempek presented to the microphone and introduced himself. He stated he is on the Parish Council and at their last meeting it was brought up about the church's water/sewer bills. He stated that Father wanted someone to ask the Village for a discount due to the financial effects that Covid-19 has had on the church's income. Evans reported that she had went through the church and parish usage of water for the last year. She reported that during the summer, they use a lot of water. But that during the winter months, they really do not use a lot of water. She reported that in June of 2020, they used 126,000 gallons of water between the two lines. She then reported that during the month of March 2020, they used only 1,350 gallons between the two lines. Reves stated that the church actually has two lines. One comes off 8th Street and goes to the church. The other comes off 9th Ave. and goes to the Parish. He stated that they have an illegal flow going back and forth between the two lines at the water sprinklers. He stated that about 2 years ago, Obrist was out and spoke to Kathy Slusarski and explained that it was illegal not to have a backflow device on the lines so that it will not contaminate the entire Duncan system. Reves stated that after speaking with Obrist, the church had not added the backflow device or made any changes to their system. Stempek stated that he was not aware of this. He stated that he would get some bids to see what the cost to fix this right would be. Reves explained that if the church and parish would use only one line, that would save them \$64/month. They would only have to pay for one line, instead of two. He stated that would be \$768/yr and in 10 years, it would save them \$7,680, which would most likely cover the cost of the fix. Reves suggested they use the 8th street water main and stop the 9th Ave. line. Evans reported that she had just recently started to charge late fees and service of notice fees last month since Covid hit. She stated that she had let anyone who was having troubles paying their bill know that she would work with them on payments if needed. So that no one would have to be shut off. She stated that was what she did to help people through the financial difficulty caused by Covid. And if the church needed something like that for help, she would be glad to work out a payment plan. However, she stated that they have never been late with any payments. Stempek stated that they would not need to work out a payment plan. He was there to see if they could get a discount. Oppliger stated that he did not think that giving one customer a discount would be a good thing. He stated that if they did give a discount, where would they draw the line? The Village would have to give a discount to about anyone who asked for one. He stated the Village should be fair to all customers. He stated that he was fine with waving late fees if needed. Stempek stated that would not be necessary. Reves suggested that the Village possibly help pay for the work that would be needed for the two lines to be fixed to having just one line. Boruch stated that the Parish is not getting rented as much and not bringing income in due to Covid. Oppliger asked if the Parish line should be shut off then. Reves stated that it should be shut off. Stempek requested not to shut it off because it is still being used by Religious education groups and other activities. Oppliger agreed and stated that once Stempek gets some bids, we would revisit this item and decide what the Village will be willing to help with. He stated that he understands that the church is a big and important part of the community and he would like to help if he can. Dahlberg stated that he had all the sprinkler heads replaced and that should help with the water usage as it does not require as much pressure.

Appoint Village Engineer Boruch stated that he felt that JEO is getting expensive and suggested to shop around for a new engineer. Oppliger stated that we could reach out to other companies. With the board in agreement, Oppliger stated to postpone this item to the next meeting.

Appoint Street Superintendent Oppliger stated that if they aren't sure of moving forward with JEO, then this should be postponed as well. The board agreed. Evans reported to the board that if the Village does not appoint a street engineer by Dec. 31st, the Village would no longer receive their Highway Allocations. She suggested the board reappoint and then use the time until next December and reappointment to find another street engineer if that is what they want to do. The board agreed and a motion was made to appoint Scott Cowles as the Village Street Superintendent, License # 1148, Class A license, by contract with the Village of Duncan beginning January 1, 2021 to December 31, 2021, by Dahlberg, second--Boruch. *Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

R20-245 Year End Certification Oppliger read the resolution aloud entirely. A motion to approve R20-245 Year End Certification of Street Superintendent 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.

Main Ave. Dip & Curb Bid Boruch stated that after reviewing the specs from JEO on the dip, he would need to discuss with Boruch Masonry and revise that bid because there are differences that need looked at and included in the bid. Oppliger agreed to postpone this subject until the next meeting. The board agreed.

Holiday Lighting Contest Evans reported that this is usually approved in November. However, she did not receive the notice from Loup Power this year on the sponsorship. She recently called them and asked about this. She was told that there was a new person taking over the lighting contest and he did not know that he had to send anything out to anyone. Evans explained that she usually receives a letter from Loup Power offering to sponsor a holiday lighting contest and that they would put forth \$125 toward the contest. She stated that she had instructions on how to receive that money though. She had to send in the poster she made to advertise it, the list of winners and the amounts they won. Evans then stated that she realized it was a little late this year, but if the board still wanted to do the contest, she could get the letters out ASAP to the last year winners so that they could judge this coming weekend. The board agreed to go ahead with the contest again. A motion to approve the Holiday Lighting Contest for 1st place winner to receive \$100, 2nd place to receive \$75 and 3rd place winner to receive \$50, 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.

Appoint Clerk Evans reminded the board that last year, she required a form, signed by the chairman, stating that she was the clerk. She stated she had found out that according to our ordinance book and the law, clerks and treasurers are supposed to be appointed every year. She stated that it has never been done in Duncan for a hired

position. However, she also stated that when she questioned the League of Municipalities, they had reported to her that the law actually states that the clerk 'may' be appointed. So, that interpretation could mean that we do not have to appoint those positions, and only if wanted. Evans stated that it worked fine for her to use the Chairman's signed statement and if they did not want to start appointing they wouldn't have to. The board stated they might as well. A motion to appoint Evans as the Clerk was made by Boruch, second Wagoner. *Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. A motion to appoint Michelle Schindel as the Treasurer 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.

Proposed Village Audit Evans stated that Stephanie Laska had forwarded an email between her and Countryman Assoc. stating that the Village did not 'legally' have to do an audit this year but that she would check with the board. Evans stated that every year she goes to her clerk conferences, the attorneys there highly suggest getting an audit every year, even if you are not legally obligated to. The board agreed and Evans was asked to let Countryman know that they could proceed with the audit.

15th Ave. Alley Obstruction (agenda item Old Business A.) Runquist is in the audience now and Oppliger proceeded with this agenda item. Oppliger reminded the board that the owner of the neighboring property did not attend either meeting. Runquist stated that he tried calling the owner and there was no answer. He stated that he spoke with the renters and they did not care about the alley obstruction. Runquist did report that he moved his shed out of the alley. He stated that he has done all the maintenance for the entire alley for 9 years. He stated he has never had a problem with any neighbor over this. He suggested that the only reason this could be happening is that the owner's parents' dog gets out and gets in his garbage. And he had a discussion with the owner's mom about their dog doing that and that she needed to take care of it. He stated that would be the only reason for this problem. Oppliger stated that he had called and talked to Maciolek (owner of neighboring property) and that Maciolek did the talking the entire time on the phone. Oppliger was discouraged with the fact that Maciolek could not make either meeting to discuss, if it is that big a deal to him. Runquist stated that he thinks Maciolek believes he (Runquist) disrespected his (Maciolek's) mother. He stated that he has always told the neighbors that he would move anything if they needed the space. Boruch stated that if it is not a problem with the people living there, then leave it alone. Oppliger stated that if the complainant does not show up and no one else has a problem with it, the Village should not get involved. A motion to forego enforcement on the Alley Obstruction ordinance 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.

Central Valley Ag Sewer Usage Review & Recalculation Evans reminded the board that they passed a resolution a few years ago on this subject. She gave a copy to each board member. She stated after calculating the water usage of CVA over the last year, their new rate will be \$133.68/month for the next calendar year. Evans showed the board her calculation as well as the resolution. A motion to approve the new CVA Sewer rate at \$133.68/month 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.

Proposed Employee Evaluation Committee Oppliger stated that Evans had suggested appointing a committee of two board members to do the employee evaluations every year. This is the advice she received from several other clerks and the League of Municipalities. Evans asked the board if there were anyone with experience of doing employee evaluations. Wagoner stated that he was on a committee at the college for evaluations of employees. He stated that the first thing you need to do an evaluation is a good job description for the positions. He asked Oppliger if each job has a job description and list of duties. Evans reported that she has never seen one since she had worked here and Reves reported he had never seen one for his position either. Wagoner stated that you cannot do a proper evaluation if you don't at least have a description of the job. Oppliger and the rest of the board agreed. A motion to appoint Wagoner and Oppliger as the Employee Evaluation Committee was made by Oppliger, second—Dahlberg. *Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

Departmental Reports:

Utilities Reves reported that all of the hydrants to be replaced in this fiscal year have all been completed already. He reported that he had a new company inquire about our business. So he called and spoke to them and they came out and gave bids on the hydrants. Reves stated they were very similar in price to Obrist and that Obrist is unreliable and undependable when it comes to work. He stated that they had been meaning to get out to do the fire hydrant for over a year now. They will call and say they will be here a certain day and time and then not show up. So, Reves inquired about this new company and stated they were very good. They came out and did all the hydrants within a week. Reves stated that there was a sewer block on 7th street and when the Drain Surgeon unplugged it, he found baby wipes again. Reves suggested the Village send out a flyer again to remind people what not to flush. Reves also reported for the 150th celebration, the board may be interested in a contest for the oldest house in Duncan. He stated he researched and found information on several houses in Duncan, including the oldest one (Prososki's). He reported that Harry Prososki also has a lot of pictures etc. that would be useful for the celebration. It was stated that a plaque could possibly be given or something to recognize their old home. Kropatsch suggested a yard plaque and reported that her home was built in 1905.

Parks & Rec. No report. Young to give Dahlberg her contacts etc.

150 Committee Oppliger stated that the committee are discussing fundraiser opportunities that are possible. He stated they thought about a commemorative rifle raffle or some other kind of raffle. He stated the committee is discussing the events for the day and that if anyone has any suggestions, they could contact the committee by email or their facebook page.

Planning & Zoning Kropatsch did state that they may be cancelling some meetings when they have nothing to discuss. It was found in the new bill passed this year, that they can cancel up to 3 per year. She reported they are updating the P&Z book as well.

Clerk Report No report.

Treasurer Report & Updates—Approval of Bills Schindel reported the receipts for each account. The board reviewed the monthly recap. *A motion to approve the bills as recorded 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 on **Monday, January 11, 2020 at 7:00 PM.** Being no other business, adjournment was made by Oppliger at 8:43 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)