

VILLAGE OF DUNCAN BOARD MEETING

December 9th, 2019

7:00 PM – VILLAGE HALL

906 Eighth Street – Duncan NE

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 being held. Board members present were Oppliger, Paige Young, Kayla Humlicek, Josh Dahlberg and Joe Boruch. Also, in attendance, were Village Staff: Stephanie Laska and Don Reves. Clerk Marianna Evans was absent (Laska to fill in). Visitors present are Lance Denbo and Larry Czapl. A motion was made to approve the minutes from the November 11, 2019 board meeting by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. No unscheduled concerns were noted, so Chairman continued with the regular meeting.

Old Business:

5th Street Nuisance Update Lance Denbo presented to the microphone and stated his address for the record. He stated that he was the new property owner of the nuisance home. He stated that he would like the fire department to burn the house down. He reported that he had previously spoken about that but then never heard anything back from the fire department. He stated that he would have the home demolished prior to the burn, if needed. He stated that the camper would be moved out as well. Dahlberg stated that there is a lot of paperwork and permits needed in order to do the burn and that he would look into it. Reves reported that the only thing needed on the last abatement was an asbestos check and the Village paid \$250 for that. Dahlberg stated that he will check on the paperwork needed etc. and get back to Denbo about the possible burn. Young asked Denbo if he had gotten any bids on tearing it down. Denbo stated he had gotten just a couple and reiterated that he would have it tore down before a burn if needed. Oppliger clarified that Dahlberg would be contacting Denbo with the info on burning the structure. Dahlberg stated again that he would contact Denbo once he found out. Denbo stated that he would not do anything until then, except move the camper. He reported that he had spoken to the Columbus Fire Department and that they would be interested in burning the house down if the Duncan Rural Fire District is not willing or interested in doing it. Denbo stated that he may not be at the next meeting due to work. Oppliger requested that Denbo mail or email any issues or ideas or thoughts on the subject that he would want the board to hear and he will read it at the next meeting. Oppliger stated this subject would be continued at the next board meeting on Jan. 13th, 2020.

New Business:

Appoint Village Engineer Oppliger stated that JEO Engineering is our current appointed Village engineer. He asked the board for any other options or if they were happy with JEO. No complaints were given and Young motioned to appoint JEO as the Village engineer, second—Boruch. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

Proposed Village Attorney Oppliger stated that Emerson (current appointed attorney) is taking less and less cases and we want to be sure we are taken care of when needed. Oppliger stated that the firm that Emerson is with has contingency plans and are the current firm for the City of Columbus. Oppliger stated that he is confident that this firm can handle all of our needs. He stated that the appointment will be on the January agenda and that if any board members wanted to do any research, to complete it prior to the next board meeting when we will need to appoint our attorney. He believed that appointing the firm instead of Emerson would be the best idea. The board agreed. Appointment to be made at the Jan. 13th meeting.

Yearly CVA Sewer Cost Review Reves presented to the microphone and gave a synopsis of the background on CVA sewer usage/cost. He reported that there is a formula used to create their sewer charge based off of what a water study showed for NRWA (Neb. Rural Water Assoc). It is figured based on the amount of water they use. Their usage a few years ago, when they initially hooked up, was a lot more and is now getting less and less. Their sewer rate is recalculated every year based on their water usage. This year the usage would make the monthly sewer cost go down to \$132/mo, A motion to approve the \$132/mo sewer charge to CVA 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.

Tree Trimming Reminder to Residents Reves reported that there are a couple of areas in town where there are trees hanging too low. He stated that by ordinance, a tree should be 14 feet above the street and 8 feet above sidewalks and his truck is getting beat up by branches when he snowplows. He also stated on 7th street there is an evergreen that is blocking drainage of water flow in the street gutter. He stated there are some low hanging trees over the sidewalk on the north side of 8th street as well. Dahlberg suggested waiting until spring to see how the sidewalk trees are. Oppliger stated that he would like dialogue before sending letters on ordinance enforcement. Reves reported that by ordinance, the trees are the responsibility of the property owners. Except for the trees in the parks, which are the Village's responsibility. Oppliger stated to send a letter to the two property owners of the current areas that Reves reported and then do a resident by resident basis afterwards. He doesn't see the need to send a reminder letter to all residents at this point. No arguments from the board.

Proposed Forks & Basket for Tractor Reves stated that in order to get the Christmas lights put up this year, he called and had Tip Top Tree Service do it. He stated that Loup Power used to do it for free but with new management, they no longer do. He stated that he has had Dustin Schaefer use his tractor to help before, as well. However, using the Village tractor is not safe, due to the height and other safety guards not taken into account. He stated that Thaine Saunders helped last year and he was also concerned of the safety risks. For these reasons, Reves looked into the cost of getting forks and a bucket for the Village tractor. He stated that he is in contact with John Deere for the forks which would cost approximately \$1,035. He spoke to ALS Irrigation & Welding (Alan Scudder) and was told that a bucket could be built to fit the tractor for \$400-500. He stated that Tip Top

Tree Service he hired quoted the job (put up lights) at \$150. However, it was more than he expected, so he would be charging more. Reves stated the total cost of the forks and bucket would around \$1500 and believes this to be a safety issue. Boruch suggested checking Big Iron for the forks. Dahlberg suggested looking at Bobcat forks that would be transferable to a potential bobcat for the Village, if ever bought. Oppliger stated that we will need to get a safety harness as well. Humlicek asked if the forks and bucket would be used for anything other than putting up and taking down Christmas lights. Reves and Dahlberg and Oppliger all stated that there would be a lot of things that it could be used for besides that. Czaplá presented to the microphone and gave the board his advice on safety and liability issues with using offbrand parts on the John Deere tractor. He suggested getting the forks from John Deere. Young asked about renting from Sunbelt. Reves stated that the cost would be \$250/day. Dahlberg reminded the board that we are on a list to lease a skidloader from Albion company but there are none to lease at this time. We would have to buy our own equipment and attachments but you get a new one every 2 years. Reves stated that we have been on a waiting list ever since the board approved it. He stated that he did find that Bobcat does have a 34% discount on new bobcats but the price is around \$40-50k. Reves was asked when he takes the lights down. He reported he takes them down after the first of the year, weather permitting. Oppliger stated that he would agree to \$1700 towards forks and bucket for the tractor plus a safety harness. A motion to approve up to \$1700 for tractor forks, bucket and safety harness was made by Dahlberg, second—Young. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

Main Ave. 13th Street Street Cracks to be Sealed Oppliger reported that this was approved to go ahead with a bid that Reves had gotten for \$922.75 however, a hold was put on it by Boruch. Boruch believed that we shouldn't have to pay for this and that BD's should have done the job completely. He reported that he called and talked to BD's and they were supposed to get back to him but never did. He stated he will try calling them again tomorrow. Oppliger stated that it needs to get completed before too much freezing is happening and that we are going to have to pay for it most likely, since it was not in the bid given by BD's. BD's would have to subcontract out the job anyway due to not having the equipment themselves. Oppliger stated that we are just rolling the dice as to whether BD's will do anything about this. He suggested that if we do not get a call back from BD's, to go ahead with the preapproved plan for \$922.75.

A. Utilities Reves reported that there have been 40-50 trucks per day going through Duncan, north to the new chicken farm, hauling gravel and rock. They are apparently working on getting a road ready to the farm. Reves suggested that if the Village is going to ask CSS Farms and CVA to help finance the roads they travel frequently, that we may need to also ask the new chicken business. Oppliger suggested making this an agenda item for the next meeting. Reves stated that he had driven to the farm and talked with the finishing project engineer who reported that after the gravel trucks are completed, there will be several trucks hauling chicks, chickens and feed often. Reves suggested one of the board members talk with someone in that business about the route they are taking. Laska suggested talking to the county. Young suggested to wait and see what the traffic will be like prior to talking to anyone about the truck traffic. Oppliger asked Reves to get the name of a contact for the board to talk to. He stated he would like this to be on the agenda for the next meeting. The board discussed different routes that the trucks could take based on their origin, that would avoid driving through Duncan.

Reves then reported that the Lehr Subdivision Sewer Project was almost complete. He stated that only concrete needs to be poured. He reported that Obrist installed two manholes. Reves stated that Obrist is scheduled to be out Wednesday or Thursday of this week to finish.

B. Parks & Rec Young reported that she has a meeting set up with her, Josh, Andrew and JEO. Oppliger stated that he talked to Barcel about the property line. Barcel told Oppliger that he saw the flags and knew that it was coming. Oppliger stated he would not like to see a 6 foot privacy fence placed due to how close it will be to the house. He would like to see more options available. Reves stated that according to zoning ordinances, a fence cannot be over 6 feet. Young suggested a chain link fence for the property lines and the picket fence for the Main Avenue to keep kids from going into the street. Young stated that she would talk to My Place's Terri Hager about the parking situation in the alley and adding two handicapped spots. Oppliger suggested more options for the handicapped parking. He stated that enforcement would be a problem and asked if it was necessary to have two. Reves reported that according to ADA laws, there needs to be only one stall for every twenty-five regular stalls. Young suggested doing just one further down by Barcel's. Oppliger again stated that he would like to see alternatives so that we are not causing issues with local businesses/homes. Reves stated that he would be concerned that patrons at the bar would continue to park in the handicapped spots. Young then suggested putting the handicapped stall north of the park, near Reves' house on 9th Street. Oppliger stated that he thought they need all the information they can get with all options and bring to the next meeting to discuss and decide. He asked to make this an agenda item for the next meeting.

Reves then asked Young and Dahlberg about where they were in the process of grants for the new park. Young stated that they haven't even started that yet. Oppliger stated that Humphrey got funds for their park for the Veteran's monument from the Visitor's Bureau. He suggested inquiring to the Platte County Visitor's Bureau for possible funds for the park as well as the 150th Celebration. Young stated that Dave (JEO) will know about the grants. She stated that she looked some up and they were 200-300 pages long.

C. Planning & Zoning Reves reported that he believed it is an ideal time with the housing market to get developments in Duncan going. Oppliger asked if P&Z could create a map and send to the board of the potential areas of development. It would make it easier to give to developers with landowner contact info. Oppliger wondered what the biggest obstacle to getting a development on 5th street was. Reves

stated that the potential drainage issues there are what would make it a poor area. He stated that it would require engineering to figure out how and where to take the drainage. Reves reported that when Muchmore was given water and sewer access to their house, he had agreed with the Village board, that he would let development happen on his land there. There has been no further development of that area. Czapla reported that Mike Floyd of NCN out of Norfolk is helping communities with development. He suggested to try and work with Columbus to get development started in Duncan.

D. Clerk Report

a. Unreported Well Registration Evans is absent. She left an issue for Oppliger to bring to the board's attention. There had been two letters sent, requesting state registration of the person's well, and the person has not responded in anyway. Oppliger stated that it has been awhile and we may have to levy a fine to reiterate enforcement. He reported that the ordinance states that a townsperson can have a well however, it needs to be registered with the Village and done by a licensed well driller who registers with the state. Oppliger believes we need to enforce this with everyone. The board discussed briefly and decision was made to send a warning to the offender and then a fine if not provided with the state registration. Young looked up on the state website and found a possible registered well that might be this person's. Oppliger stated that we still need this person to register with the Village. The concern in unreported wells is that they could be causing cross contamination unbeknownst to the Village. The Village is responsible for its water supply and therefore needs to know of every possible cross contamination. Reves reported that he would be sending out the state cross contamination survey to everyone in town in 2021 and planned on requesting registrations of all wells. A copy of the ordinance would be included so that people know that it is ok to have a well, but needs to be registered with the Village. Oppliger agreed to have Evans send out notices to get state registrations. Reves reported that the ordinance states that he is to inspect the wells, however he is not licensed to inspect wells. He stated that he would have to be a grade 1 operator which would require a lot more training. He stated that he could have someone who is licensed to inspect from NRWA (Nebraska Rural Water Assoc.) come out and inspect all the wells once they are reported to us.

E. Treasurer Report & Updates—Approval of Bills Laska reported that she met with Jill (Countryman-accountant) last Thursday and found out that the P&R account does not meet the criteria to be a separate account. She stated she can set it up in the software so that it's under general funds and can transfer from P&R to General Account to pay for the \$2500 JEO bill for surveying parks. She reported that the 150th Celebration account is just about completely set up. Boruch mentioned that an agenda item is missing and would like to add to the next agenda. He stated he had asked Evans to add 'Park Donation to Church' on this agenda and it didn't get put on. 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 held on **Monday, January 13, 2020 at 7:00 PM**. Being no other business, adjournment was made by Oppliger at 9:01 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)