

VILLAGE OF DUNCAN BOARD MEETING/PUBLIC HEARING

February 18th, 2019

7:00 PM – VILLAGE HALL

906 Eighth Street – Duncan NE

The special 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, Jeff Oppliger, Paige Young, Josh Dahlberg and Joe Boruch. Also, in attendance, were Village Staff: Don Reves, Mari Evans and Stephanie Laska. Janice Hamilton from Cornerstone Insurance was also present. Schaefer publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. Boruch asked who is supposed to clean the sidewalk in front of the Post Office. Evans advised him that the Post Office is supposed to. He stated that it was not clean and the snow stopped 2 days ago. Evans stated that she is aware of the situation and is sending a letter to the Post Office with a copy of our ordinance stating that they are responsible for cleaning that sidewalk within 5 hours of the snowfall stopping. Oppliger asked who clears the snow on the road by AJ's because there is a big strip of snow that was not cleared off. Reves stated that the county or state would be responsible for the roads by AJ's. Schaefer proceeded with the meeting. Schaefer then opened the public hearing for the approval of the 1 & 6 Year Road Plan at 7:06pm. Schaefer reminded the board that there are two sets of minutes to approve tonight. Minutes were reviewed and *a motion to approve the minutes from 1-14-19 was made by Dahlberg, second—Young. Vote was as follows: voting aye—Oppliger, Young, Schaefer, Dahlberg and Boruch. Voting nay—none. The Chairman declared the motion carried. A motion to approve the minutes from 2-11-19 were made by Young, second—Oppliger. Vote was as follows: voting aye—Oppliger, Young, Schaefer, Dahlberg. Boruch abstains due to being absent at that meeting. Voting nay—none. The Chairman declared the motion carried.*

Unfinished Business:

- A. NDEQ Violation Attorney Letter** Schaefer reminded the board of the letter received by our attorney that Evans had scanned and emailed to board members several weeks ago. He stated that we will need to dig up the ground and let NDEQ rep see the size of the sewer pipe. Then we can proceed with our manhole. Boruch reported that he felt like, after the meeting in Lincoln with NDEQ, that they are going to help us with Lehr. However, he didn't feel like Emerson (attorney) sounded like he thought that in the letter. Schaefer reviewed the letter and stated that it seems like it will be very tough for us to get reimbursed. Schaefer asked the board whether we should fix the whole thing or not. Evans stated that NDEQ did send us a violation letter and they want us to fix the whole thing. She stated that they had already stated we were at fault for allowing the service to continue while not up to standards. Schaefer reported that he has since, talked to Jeff Lehr, and was told by him that the lines are 6 inches. Reves reported that he had NRWA (Nebraska Rural Water Assoc) come out and TV the line again to see if there were any size changes from the start point. He knows the start point is 4 inches. Reves stated that there were no changes in the size of the pipe while TV'ing it. Meaning that the entire line is only 4 inches. He also stated that the 'Clean Out' cap actually says '4 Inch' on it. Schaefer then reminded everyone that NDEQ is not satisfied with the internal TV'ing pictures and wish to see it once it is dug up so that they can take pictures with measurements next to it to prove that it is 4 inches. Schaefer stated that his opinion would be to first, get the surveying completed of the property near the road, then, dig up the ground for the manhole and invite NDEQ rep to come witness it. He stated that we should call our contact Curtis from NDEQ and advise him of our plan and see what he thinks and advises. We want to know what they will be willing to do if they have evidence of the 4 inch line. Will they force Lehr to fix the rest or will we have to complete the entire project, other than just the manhole and then not get reimbursed. Reves stated that the digging will not happen until after April due to the frozen ground. He stated that NDEQ is aware of that and are understanding of that. Oppliger asked about having Lehr's make payments on their water bills for the reimbursement. Schaefer stated that in the attorney letter, it did not sound like that was possible. He stated that an option would be to assess the cost to their taxes. However, they could then protest that and possibly stop the Village from proceeding in that manner. Schaefer stated that it would be a civil case but could cost a lot of money.
- B. Abatement Attorney Letter** Schaefer reminded the board that this letter was emailed to all of them several weeks ago. He reviewed the letter and stated that if we did acquire the property, it would still generate property tax that we would have to pay. The only way it wouldn't is if we purchased the land and planned to use it as some sort of public property such as a park. Schaefer stated the attorney letter stated that if the Village follows the law, we could end up obtaining the property. If we try to take a short cut, it could be much more difficult. Schaefer wondered if the debt would transfer to a new owner prior to us being able to file the lien. He found that whomever owns the property, will owe the debt on whatever lien we file. Even if it is after a new owner acquires the property. Our attorney advised us to send a copy of the invoice to anyone who may be interested in acquiring the property. Specifically, Steve Lloyd and Renovation Innovation since they own the unpaid taxes and can start the foreclosure process on the property. Young stated that they are foreclosing on March 7th and that Renovation Innovation are ready to move on it.

New Business:

- A. Speed Rate Digital Signs for Highway** Schaefer stated that this was discussed briefly at the last month meeting. The signs would be placed at the east end and west end of city limits on Highway 30. This would hopefully slow drivers down who are speeding through our town. Reves called and checked on prices and found that the cost would be \$3610 each. They would be hard wired. Solar signs are much more expensive. We would also need permission from the state to put them up on the highway. It is a process to get completed and by the end of it all would cost the Village approximately \$10k. Boruch suggested putting signs on our speed limit signs saying 'radar enforced'. Boruch's opinion is that it would be a waste of money. He stated that if there were several accidents there then maybe it'd be different. Schaefer disagreed that it is a waste of money, however he does agree it is expensive.

- B. EMC Insurance Review** Hamilton presented to the microphone and introduced herself to the new board members. She stated that the new insurance renewed last week. She has brought a new insurance card for the new pick up as well as a new renewal book. Schaefer asked why the Post Office building is quoted more than the Village building. Hamilton stated that the Post Office building is a bit higher. She stated that she has put the deductible on the new pick up at \$1k and asked the board if that was sufficient or if they want her to change it. The board agreed that it was fine at \$1k. She stated she will need a signature for taking the old pick up off the insurance as well as for taking the terrorism policy off. She stated that was something new after 9-11 and is automatic on all their policies. Schaefer reviewed the coverage on equipment. The old mower needed taken off and new one added. Hamilton stated that with depreciation, some of the amounts could be changed on the equipment if we want. Schaefer stated they would look at them and send her the changes if there are any.
- C. Street Sweeping Bids** Schaefer reported that there were no bids submitted. He stated we will postpone this to the next monthly meeting.
- D. Audit** Schaefer stated that he and Laska will be meeting with Jill Clay (Countryman) on Wednesday this week to go over the audit. Laska stated that the audit will be ready to approve at the March meeting. She stated that it needs to be completed by the end of March in order not to affect our Highway Allocation funds. She invited anyone on the board to come for the audit review.
- E. NeNEEDD (Northeast Nebraska Economic Development District)** Schaefer reported that it was strongly suggested by them for us to appoint a representative from our Village. Schaefer stated that they discuss community development of towns. They meet in Norfolk or by conference call. *A motion to appoint Schaefer as the Village NeNEEDD representative was made by Young, second—Dahlberg. Vote was as follows: voting aye—Oppliger, Young, Schaefer, Dahlberg and Boruch. Voting nay—none. The Chairman declared the motion carried.*
- F. 1 & 6 Year Road Plan (R19-229)** Schaefer reads aloud R19-229. He stated it is a 'plan' and can be changed at any time if needed. *A motion to close the public hearing at 8:12pm was made by Boruch, second—Dahlberg. Vote was as follows: voting aye—Oppliger, Young, Schaefer, Dahlberg and Boruch. Voting nay—none. The Chairman declared the motion carried. A motion to wave the 1st and 2nd readings was made by Dahlberg, second—Oppliger. Vote was as follows: voting aye—Oppliger, Young, Schaefer, Dahlberg and Boruch. Voting nay—none. The Chairman declared the motion carried. A motion to adopt R19-229 was made by Oppliger, second—Dahlberg. Vote was as follows: voting aye—Oppliger, Young, Schaefer, Dahlberg and Boruch. Voting nay—none. The Chairman declared the motion carried.*

Departmental Reports:

- A. Utilities/Maintenance/Streets** Reves stated that the light that is on top of the pick right now is only temporary. He showed a picture to the board of what is suggested we install. It would include a rack that would hold the light. That cost will be \$300. He stated he had found a used toolbox for the pick up as well for \$100. Young suggested Reves look into 'wings' on the plow. Reves stated that he has a new 'V' plow and it works good. Reves also stated that the wings are approximately \$500 apiece. He stated that we could always add them later if needbe. Reves stated that the stage of radioread right now is making his meter reading easier but more work for Evans. Evans stated that only the first reading was really rough since all the readings were assigned to the meter numbers and not the names or addresses. She stated that she started an Excel spreadsheet and got them all assigned orderly to the correct names. So the next readings should not be so time consuming to figure out. Reves stated that once we are finished with the radio read set up that both he and Evans will have a much easier time with readings and billing. He stated that he will be able to track the water usage down to the hour for anyone. So if they have a larger bill and ask about it, he can go back and look at their usage and help them figure out the problem time of water usage.
- B. Parks & Rec** No report from Young or Dahlberg. Schaefer asked if there was an agreement with the church yet. Reves stated that he told Nick Larsen (baseball coach wanting to practice/games here) to call Kathy Slusarski since she is on the church council. Reves stated that the last thing he was aware of was that the priest needed to talk to the Bishop in Omaha about liabilities. Schaefer asked if we would need a permit for concessions. Reves stated there is no ordinance on having a permit for concessions. Reves suggested that it all get figured out by April as that will be when practices and games will be starting. Schaefer asked the board if the Village should charge rent for the field usage or just have them take care of the field as their rent. Young stated that it will be a lot of work due to all the sambers and thorns. Reves stated that if we watered and sprayed it, they would go away. Schaefer suggested that the Village Parks & Rec committee get involved with the concessions. Boruch stated that he would call Slusarski tomorrow to find out about the contract.
- C. Planning & Zoning** No report.
- D. Clerk Report** No report.
- E. Treasurer Report** Laska reported the large bills on the list as the new pick up, JEO last street project bill, street sweeper, well rehab by Sargant Drilling, abatement property and the Duncan Rural Fire bill. She stated that we will be receiving the large rebate from Loup Power next month as well. Schaefer reported to the board that we are over our \$\$\$ limit at the bank whereas the FDIC will not cover. He stated that he was advised to do a 'pledge assets' form that will cover anything over the \$250k. He stated that he went ahead and approved it as it does not cost the Village anything to do but will still insure all of our money in 1st National Bank. *A motion to approve the bills was made by Young, second—Oppliger. Vote was as follows: voting aye—Oppliger, Young, Schaefer, Dahlberg and Boruch. Voting nay—none. 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 rescheduled meeting and public hearing will be held on **Monday, March, 11, 2019 at 7:00 PM**. Being no other business, adjournment was made by Schaefer at 8:23 p.m.