

VILLAGE OF DUNCAN BOARD MEETING
January 11th, 2021
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 7:00 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 held in the Village Hall. Board members present were Nick Wagoner, Steve Langton, Jeff Oppliger, Josh Dahlberg and Joe Boruch. Also, in attendance were, Village Staff: Don Reves and Marianna Evans. Michelle Schindel was absent. Visitors present were: Steve Parr (JEO); Dave Henke (JEO), Thaine Saunders, Richard Stachura, Tara Grafe and Jennifer Osborne. The Pledge of Allegiance was recited by all in attendance. *A motion was made to approve the minutes from the December 14th, 2020 board meeting by Boruch, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, 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. Saunders presented to the microphone and stated his name and address. He stated that he was not happy with the new storage unit lights that were installed south of his home. He reported that the lights are so bright that they are blinding and he believes they are too bright for the type of business that is there. He stated that the others in the audience are all here for the same complaint and that he was speaking for them all. Stachura and Grafe had also stated aloud, that the lights are so bright they can't sleep at night because they are blaring through their bedroom windows. Grafe stated that she even has room darkening drapes and she can still see the lights through the drapes and it affects her sleep. Saunders stated he would like if the lights could just be 'toned down a little bit'. Oppliger stated that he would begin a dialogue with the owner and try to compromise. He stated he was unaware of the situation. Reves stated that he was planning to speak about this issue in his departmental report. Oppliger then continued with the scheduled agenda.

Old Business: Appoint Village Engineer Parr (JEO representative) reported that he had gotten a call from Evans stating that the board had decided not to reappoint JEO as the Village Engineer last month. Parr stated that he called Boruch and spoke to him about the reason why. It was explained that he was unhappy with the price for the current contract with JEO for the 2021 street project. Parr stated that he wanted to come to the meeting so that he could answer any questions or concerns that any board member may have about any dealings with JEO. He stated he appreciated our business and the Village was not under any pressure to appoint JEO. However, there are several benefits in having an engineer appointed. You have someone to turn to and call with questions on anything from planning, zoning, streets, water/sewer etc. Parr stated that he also brought Henke to the meeting because he was the last engineer used for the most recent project (new park). He wanted to answer any questions or concerns that the board may have about that project. Boruch stated that he was concerned on the price of the current contract and did start looking harder at the contract. He did find a mistake in the length of the street under the contract. JEO had the map showing the new road would go beyond the city limits out to 295th street. When it should only go to city limits, just west of the Dahlberg addition. That was corrected and Parr stated that he reran the figure and thus is the reason for the amendment on the contract. Boruch was satisfied with the contract price after speaking with Parr and Mooberry and correcting that mistake. Parr asked the board if there were any questions or concerns with any of their work. No other concerns were brought up. Oppliger stated that he felt JEO does a great job and that he believes it is healthy to revisit the appointment yearly. He stated it is good to question things and not just approve everything. Oppliger then asked the board if there was anyone who was against moving forward with appointing JEO as the Village engineer. No concerns noted. A motion to appoint JEO as the Village Engineer was made by Dahlberg, second---Wagoner. *Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

2021 Street Project Amendment Parr reported that he had spoken to Boruch and Jon Mooberry (project manager) about the discrepancy found. He stated the new road on the map went out approximately 1/2 to 2/3 a mile too long. Parr stated that Mooberry came to Duncan immediately and went over the project area with Reves and Boruch and then fixed the contract. Parr stated he deducted the design fee by \$2,900. The total design fee would now be \$27,200 total. He stated that the bidding process is \$4,000. He reported that the design will be completed by the 1st of next month and that he would have plans and spec's for the next meeting to be approved and then start the bidding around Mar. 1st and bring the bids to the March 8th board meeting for approval. He stated that the county is doing their bidding at the end of this month. He stated that we are in good shape with regards to this project. We are on schedule. He reported that he had worked with counties in the past and will coordinate with them. Oppliger stated that he wanted to be sure that there is communication between JEO and the county so that we can piggyback on their project as initially planned. Parr stated that Mooberry is communicating with the county. A motion to approve the JEO 2021 Street Project Amendment 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.

Street Dip & Curb Bid Oppliger stated that the Village received a new bid from Boruch Masonry to redo the dip on Main Ave. and parts of broken curbing along Main Ave. The bid stated the dip would be \$15,975 and the curbing would be \$7,050 for a total of \$23,025 for the entire project. Oppliger stated the date on the bid was 12-22-20. Boruch stated that he talked to Ron Boruch (Boruch Masonry) and stated that the curb was charged per foot and so it may be a little different if there is extra or less. However, he stated that the dip would be the same. No questions from the board. A motion to approve the bid for the dip/curb project for \$23,025 plus or minus for curbing 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.

Lagoon Land Sale Oppliger stated he wanted everyone to understand the benefit of purchasing this property. He asked Reves what benefits there would be in owning it. Reves reported there would be '0' benefits of owning

this property. He stated that the land wouldn't pay for itself. He stated his figures showed that it would take 34 years to pay only the principle off at the rate appraised. He stated that he had talked to a few farmers in Duncan and was told the rent that is currently paid on that land is too high anyway. And the reason it is so high is to give that farmer first rights to buying the land. Reves reported that the actual rent we would most likely get would be \$105/acre instead of \$160/acre that is being paid. He stated that the land is not guaranteed water due to the fact that the lagoons can only pump out so much water. Oppliger stated he didn't feel comfortable going ahead with purchasing. Reves suggested buying a few acres or leasing a few acres to move the tree/grass pile. He suggested the corners that are 'dry land' in which are not productive. Dahlberg stated that south of the lagoon would be a good corner. Wagoner asked if they would want to get a new appraisal. Oppliger thought that was a good idea. Boruch stated that he was against buying the property. He did not think the Village needed it. The board continued talk about a certain corner to move the tree/grass pile. Oppliger stated that the whole track is off the table for now then and we move forward with our attorney to contact about buying a portion. Langton stated that there would be only highway entrance to the drop pile then. If the Village didn't want that, they would have to also ask to buy a tract of land to create an entrance off the highway. Dahlberg stated that if the entrance is off the highway it will have to be gated as well. The board discussed which area to inquire about buying and decided to contact the Village attorney to communicate with the estate attorney on the possibility of purchasing a corner only.

New Business:

Appoint Chairman Oppliger asked the board if there were any questions or concerns about his position. There were no statements made. Boruch nominated Oppliger to be appointed as Chairman. Wagoner stated he had no concerns and thought Oppliger was doing a good job. Oppliger began a speech of his experience as Chairman for the last year and reason for getting on the board. He appreciates the job and wishes he could do more for the Village. He stated he did not want to step down as long as the rest of the board was ok with him continuing. He stated that there may be differences of opinion at times, however he knows that all care about the Village. *A motion to appoint Oppliger as the Chairman 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.

Appoint Village Attorney Oppliger stated that Neal Valorz is our current attorney who took over for Stan Emerson, who has since retired. Evans reminded the board that Valorz is also the city attorney for Columbus, so he does have experience and knowledge needed to act as our attorney. *A motion to appoint Neal Valorz as the Village attorney was made by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

Appoint Board of Health Oppliger stated that the current members are the Chairman (Oppliger), Young and Dahlberg. Oppliger stated that the Chairman must be a member. Reves suggested that a member be a medical person. Evans stated that the law does suggest that however it is not mandated. Reves stated that Duncan has two Nurse Practitioners that live in town. *A motion to appoint Oppliger, Dahlberg and Langton 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.

Appoint Board Committees **Water/Sewer: Boruch; Langton Street/Grade: Boruch, Wagoner Parks & Rec.: Dahlberg and Oppliger Finance: Oppliger; Wagoner NSWC (Nebraska Solid Waste Coalition): Dahlberg; Boruch.** *A motion to approve the board committees was made by Dahlberg, second—Langton. 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 to the board that the water conference this year is free to any board member who would like to attend. He stated the entire conference is free for board members this year. He stated the conference is March 8-10th in Kearney. Boruch requested to go to the entire conference and stay in hotel. Langton stated he would check his schedule to see if he could attend. Reves reported that the storage unit lights complaint is being dealt with. He stated that he spoke with the owner, Todd Paczosa and he was upset and yelled at him over the phone. Reves stated that Paczosa calmed down and stated to Reves that they are the same lights that are installed in Columbus storage units and there are no problems with those. Reves reported that our ordinance in the Planning and Zoning Ordinance book states, 'lights should be installed to reflect light away from residences.' Reves stated the electrician who installed them suggested not to use those lights to the builders. Reves stated that the lights are LED and are bright in an area where it is usually dark. Dahlberg stated that David city has LED street lights and they are not that bright. Oppliger stated that we have an ordinance and he believes that is the risk you take when you buy a home next to a commercial area. Oppliger asked for a letter with a copy of the ordinance sent to Paczosa and invite to the next meeting if he wishes. Evans stated that she would send the letter. Oppliger stated he would like to start a dialogue with Paczosa about the issue. No further discussion on that issue. Dahlberg asked Reves why he did not remove snow from the new sidewalk inside the park. Reves reported that there are street sidewalks in front of homes that were never scooped and he is always on top of snow removal on the sidewalks next to the streets at the park, according to ordinance. Dahlberg stated that it would be good to remove the snow from the outside circle sidewalk in the park because people like to use it as a track to walk for exercise. Reves stated his snow blower will not be able to handle all of that. He stated it is old and too little. The board discussed and asked for snowblower bids to be added to next month's agenda.

Parks & Rec. Dahlberg stated that he would be reaching out to Nick Larsen about plans for baseball this year.

150 Committee Oppliger stated that they revised the amount for sponsorship for the 150th. He stated that due to Covid, they lowered prices to try and get more sponsors and donations for the 150th. He stated

that the committee is working on grants right now. The committee will meet again on Feb. 2nd at 7pm in the Fire Hall. Oppliger stated that Michelle Oppliger takes good notes and could give a better update in the future. He stated they are meeting every 2 weeks now. Evans stated that if they are going to have 3 board members at those meetings, that they must follow the Open Meetings Act and she would have to start putting out an agenda etc. She stated that it doesn't matter if the three members are not deciding matters. The Open Meetings Act also involves discussing any matter that may later be decided on by the board. She stated it would be safer to start making it a public meeting and putting an agenda out and minutes. The board agreed. Reves reported that the stucco for the west side of the village hall will be \$22k and the painting will be \$4k.

Planning & Zoning Dahlberg asked Reves about any permits he gave this month. Reves stated there were none. Dahlberg asked when the house was going to be moved into town. Reves stated he didn't know and that he noticed the floor had just been poured.

Clerk Report Evans reminded the board of the emails she had been forwarding to them about the League of Municipalities Midwinter Conference. She stated it will be virtual this year and that anyone wanting to sign up for it, to let her know and she will register them. She reminded them that the Village will pay for the registration. She stated that they are having a special session for new board members on both Saturdays to avoid the work week. She highly suggested that all board members register.

Treasurer Report & Updates—Approval of Bills Schindel was absent. Oppliger reported that Schindel left the monthly recap for them and a note of the revision of the November bills. Both will need approved. The board reviewed both the November and December monthly recaps. A motion to approve the November amended monthly recap 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. *A motion to approve the bills as recorded for December 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.

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, February 8, 2021 at 7:00 PM**. Being no other business, adjournment was made by Oppliger at 8:49 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)