**VILLAGE OF DUNCAN BOARD MEETING**

**January 8th, 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**:**00 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, Paige Young, Chris Staroscik, Josh Dahlberg and Joe Boruch. Also in attendance were Village Staff: Don Reves, Stephanie Laska and Mari Evans. Visitors included: Betty Kropatsch; Jeff & Michelle Oppliger and Clarence Zywiec. *A motion to approve the December minutes was made by Dahlberg, second—Staroscik. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.* Schaefer publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. No requests to speak were made.

**New Business:**

1. **Request to Attend Planning & Zoning Conference (Betty Kropatsch)** Kropatsch presented to the microphone and stated her name and address. She addressed the Board by requesting approval for herself, Don Reves and one other Planning & Zoning committee member to attend the yearly Planning & Zoning Conference which is always held in Kearney, NE. in March. The board asked what the cost of the conference was. Kropatsch stated she had not yet received the specifics of the conference yet but would bring all that information to the next monthly board meeting for final approval. Evans stated that last year the cost of the conference was $180 for the full conference and $95 for the Wednesday only or the Thursday & Friday Only. She reported that the hotel cost was approximately $110/night. Kropatsch stated that every time she has gone to this conference, she has learned something new and helpful for the committee. She reported that the fundamental issues of Planning & Zoning change so frequently and that it is important to stay up to date on those issues. She also stated that contact with other members from other towns’ committees is very helpful. Kropatsch highly recommended that a member from the Village Board attend as well. She stated that any first time conference attendee should receive a scholarship for the price of the conference and that any board member can go to the first day of the conference for free. Schaefer reported that he should be able to attend. Kropatsch stated that she will bring all the specifics to the next meeting where the board can either approve or deny her request. Approval/denial tabled until next monthly board meeting.
2. **Appoint Board Committees** Schaefer reported the current board committee members were as followed: Staroscik/Boruch (Water & Sewer); Boruch/Young (Street & Grade); Dahlberg/Young (Parks & Rec); Schaefer (Finance). Schaefer refers to the board inquiring if anyone would like to change anything or keep it the same. The board had no objections or requests to change. A motion to approve the current board committee appointments was made by Young, second—Dahlberg. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*
3. **Appoint Solid Waste Coalition Representative (Proposed Resolution R19-224)** Schaefer reported that last year, the board appointed Staroscik as the Solid Waste Coalition Representative and Boruch as the back up. The board had no objections in changing the appointment. Schaefer read aloud, the entire resolution R18-224. A motion to approve Resolution R19-224 Solid Waste Coalition Representative, was made by Dahlberg, second—Young. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*
4. **Appoint Village Attorney** Schaefer reported that he felt the Village should stay with Stan Emerson as the Village attorney. No objections from the board. A motion to appoint Stan Emerson as the Village Attorney was made by Young, second—Staroscik. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*
5. **624 5th Street Lien Update** Schaefer stated that Evans had taken the lien in to the courthouse to file after it was approved last month. She had trouble getting the Register of Deeds employee to file it as it was typed up. The lady said that the address didn’t match GIS Workshop and that the name we listed on the lien was not even on the deed. The deed has the names of Ed Schrant’s deceased wife as well as his son’s name and two other names (Tina Fernau and Charles Grafton). The last two people were the renters that lived there years ago. They had a rent to own contract with Schrant. However, they moved away and discontinued paying their payments, thereby voiding the contract. Their names were never taken off the deed though. Evans did finally get the lady to agree to file the lien however, after she left, the lady called Schaefer and asked for permission NOT to file the lien due to those reasons. Schaefer gave her permission NOT to file it. Evans found Fernau on Facebook and communicated with her about their names being on the deed still. She reported to Evans, per Facebook messenger, that they had already tried, unsuccessfully, to take their names off the deed. Evans referred her to Schaefer and Schaefer spoke to her on the phone. Schaefer reported that he told Fernau that they could have until the next board meeting to fix the deed. He reported to Fernau what was owed on the home for the lien and that regardless of them getting their name off the deed, we would be filing the lien on the property next month. Fernau stated her understanding to Schaefer and was never heard from again. It is unknown if their names are still on the deed or not. Schaefer reported that GIS Workshop has the address incorrect and we are not to change our address listed on the lien. A motion was made to take Ed Schrant’s name off the lien and file it with the Register of Deeds by Young, second—Staroscik. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*
6. **Wrecked Vehicles on Properties (Fining)** Boruch stated that he had noticed a property on 12th avenue that had several wrecked or nonworking vehicles on it’s property for a long time now. Schaefer read the letter that was sent to the property owner (Paul Conkel) on 12-7-17. It included copies of the ordinances that he was in violation of, along with the penalty ordinance. He was given 7 days to remove them or face fines. He has not yet removed any of the vehicles. Boruch suggested sending Conkel a fine as well as Don Schneider on 5th Street, since he still has nonworking/wrecked vehicles on his property. He stated that Schneider has the cars cleaned out but they haven’t moved. Boruch stated that he stopped at Schneider’s today but did not speak to him. Schaefer stated the penalty ordinance suggests no greater than $500 per 24 hours and every 24 hours is a new violation. Schaefer suggested not fining every 24 hours however, it was brought to his attention by Kropatsch, that you cannot change the ordinance and have to follow it as it is written. Schaefer and the board agreed and Conkel will be fined $25/day that the vehicles are still on the property. Schneider will be sent a reminder letter to remove the vehicles from his property, since he had not been sent a letter in 6 months. If he does not get his vehicles removed within the 7 day period, he will also be fined in this manner. Boruch stated that they do not pay the fines, we need to file it with small claims court in order to set the example that the Village will follow through. Dahlberg suggested sending a letter to the property on 10th avenue with the vehicle that has been on their property for a long time. Reves stated that the truck Dahlberg is referring to has gotten tires put on it a month or so ago and has since likely moved. Schaefer suggested waiting for a formal complaint on that before we send a letter. A motion to approve the $25/day fine for Conkel was made by Young, second—Dahlberg. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*
7. **Dogs Running At Large (Fining)** Young stated that she had received a complaint on the Vanbuskirk dog running all over and about the Vanbuskirk family standing out on their porch at all hours of the night yelling for the dogs to return. Since the complaint, one of the dogs had been confiscated, impounded and rehomed due to not being claimed. An invoice for the impoundment and pick up has been sent to Vanbuskirk. Evans reported that she received a phone call from Tammy Gross stating that her fence was damaged again from the same dogs (Vanbuskirk) and that she will be seeking payment from the owners for the cost to fix her fence. Michelle Oppliger also stated that their fence had been damaged several times by those dogs. Clarence Zywiec stated that he has seen these dogs running in his yard as well. Kropatsch stated she had seen a German Shepherd mix dog in her yard as well. All these visitors/complaints are from neighbors of Vanbuskirk. Evans reported that she has sent Vanbuskirk several letters in the past about her dogs. She has lived here for years and has had many different dogs. She has been a chronic violation repeater. Evans stated that she had researched what other towns do in this situation. She found that they rule that the property owner no longer be allowed to have a dog within city limits. Schaefer read the state statute referring to dogs at large. He also read the ordinance stating that municipalities can prohibit someone from owning a dog within city limits. Schaefer is not sure that is what it means and suggested doing more investigation into the ordinance. Schaefer asked the board if they want to start registering and tagging dogs in town in order to follow our ordinances? The board disagreed. Schaefer read the letter that Evans had recently sent Vanbuskirk regarding her dogs. It included copies of the ordinances she was in violation of. She also invited them to come to this meeting to state their side of the story. They are not present. Reves also reported that he called and left them a message about possibly being prohibited from owning anymore dogs in town. The board discussed and decided that every time one of their dogs is seen running at large, we will fine them $50. A motion was made to approve a $50 fine per offense of dog at large for Vanbuskirk by Young, second—Staroscik. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.* Kropatsch also suggested to send a letter of explanation and request to Paws & Claws to not adopt out to these people anymore. Evans stated she would send the letter.
8. **1&6 Year Road Plan Approval** Schaefer goes over the 1 & 6 year Road Plan with the Board. He stated it is the same as last years and included resurfacing 6th street + Main Ave. South for the first year and the 6 year plan is 9th street from the Church Hall to the North Boulevard + all the rest of the Boulevard and part of 8th street that was not included in the last street project. Schaefer reported that the public hearing for the 1 & 6 year plan will be held at the board meeting next month where the resolution will be approved. He stated that the plan must be approved this month in order to have the public hearing next month. A motion to approve the 1 & 6 year Road Plan was made by Young, second—Dahlberg. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*
9. **Proposed Resolution R18-223 (CVA Sewer Rate Change)** Schaefer reminded the board that this subject was talked about last month. CVA has been using about three times as much water as they initially expected to use. The initial price for sewer rate was based off their approximation. However, with the usage being this high, the rate should be around $330/mo instead of $130/mo. The rate used was suggested by the NeNRWA (Nebraska National Rural Water Association) which was $40 for the first 4 thousand gallons used and then $1.28/thousand gallons after that. Schaefer read the entire Resolution R18-223. He stated that we would figure their average usage every December based on their last year’s usage and use the new rate every January. A motion to approve resolution R18-223 was made by Young, second—Dahlberg. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*

**Departmental Reports:**

1. **Utilities/Maintenance/Streets (Reves)** Reves reported that he was approached by a concerned resident about the snow not being removed from the sidewalk in front of the Frontier Communications building next to the Village Hall. Reves stated that our ordinances give businesses 5 hours from the end of snowfall to clear the sidewalks in front of their business. Reves talked to Dave Iwan who stated he did not renew his contract with Frontier this year (for snow removal). Reves tried to call Frontier but their Columbus office was closed awhile back. Schaefer suggested that someone talk with Iwan to make sure he is not the snow removal person anymore. Schaefer stated that he would try to find someone to call about this. Reves reported that the garage doors are in now however, the wrapping is not done yet. Evans reported that the Village did receive his bill today. Reves stated that it will not get paid until next month when the wrapping is completed. Reves also updated the board that Obrist should be out here sometime soon to put the valve in behind the Fire Station. No further report.
2. **Parks & Recreation** no report
3. **Planning & Zoning** no report
4. **Clerk Report** Evans reported the winners of the Holiday Lighting Contest (1st place=Ron/Connie Stempek; 2nd place= Josh/Carla Dahlberg; 3rd place= Nathan/Stephanie Laska). Evans asked the board how often someone can win. She reported there was confusion as to whether it was 2 or 3 years. The board discussed and stated that first place winners can only win first place every 3 years and 2nd or 3rd every 2 years. For example, 1st place winner of 2017 cannot win again until 2020. 2nd and 3rd place winners can win again in 2019. The winners of 2017 will be judging in 2018 so they obviously cannot win that year. Evans reported her understanding. Evans then reported that she has been asking and requesting for Brian Laska to come fix the office email ever since the computer was fixed in October. He has yet to fix it and get rid of the old computer from a year ago. Reves offered to let Brian Laska in to the office on Evans’ day off so that he could get it completed but Brian never came in to fix it. It was advised to get price quotes on several other Technical support companies and compare and change providers. Schaefer reported that it’s time to do something. Schaefer stated he would talk with Don Lant about his prices. Young suggested Eakes Office Supplies and Stephanie Laska suggested Applied Connective with whom Ernst Auto has recently started using. Evans stated she would attempt to get prices on these suggestions and report back to the board next month.
5. **Treasurer Report** Laska reported that all the W-2’s are completed and ready for everyone before leaving tonight. She stated that there were a few extra payments this month that were due quarterly. She stated that she had to resend another check to Nebraska Municipal Clerk’s Assoc., due to the last one getting lost in the mail. Boruch asked what Bright Futures on the list of bills paid. Laska reported that it was for the dog impoundment. Evans reported that according to the board’s resolution, they get paid whether or not we get the payment from the dog owner. *A motion to approve the bills was made by Young, second—Dahlberg. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*  Schaefer reported that he would like to get David Paczosa a gift for his service to the Village of Duncan. He has served on the board as a member, chairman or most recently as the back up water operator for several years. Schaefer stated he would like to invite Paczosa to the next meeting and present the gift to him then. The board discussed and agreed to get him a $100 gift card to Wilkes.

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 meeting of the Village Board of Trustees will be on **Monday, February 12, 2018 at 7:00 PM.**  Being no other business, adjournment was made by Schaefer at 8:30p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)