

VILLAGE OF DUNCAN BOARD MEETING

July 8th, 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 6:59 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, Kayla Humlicek, Paige Young, Josh Dahlberg and Joe Boruch. Also, in attendance, were Village Staff: Mari Evans, Don Reves and Stephanie Laska. Others who signed in were: Daniel LeMaiszre (NDEE-Nebraska Dept. Environmental Education); Jian Li (NDEE); Michelle Oppliger; Patrick Siemek (Duncan Fire Dept.); Larry Czaplak; Shannon Stutzman and Jerry Lassek. Oppliger publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. As there were no responses, minutes were reviewed and *a motion to approve the minutes from 6-10-19 was made by Young, second—Oppliger. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg. Boruch abstained due to absence last month. Voting nay—none. The Chairman declared the motion carried.*

Old Business:

- A. Duncan 150th Anniversary Planning & Progress** Michelle Oppliger presented to the microphone and stated her name and address. She reported that she had spoken with Gary Schlesinger and they discussed combining the Anniversary celebration with his Ribfest next year. She reported that Schlesinger was excited about the combo. She stated that the committee will be doing a fundraiser in about a month and then another one this winter. She reported that the Ribfest weekend could be extended 1-2 days to allow for the celebration. Jeff Oppliger stated that it could possibly be a Thursday, Friday, Saturday, Sunday. Young suggested a street dance. Boruch suggested the traditional parade. Young stated the celebration could be spread throughout the town to include the ball field. Michelle Oppliger stated an idea for a fundraiser would be a 'Jeep' event as well as a 'Trivia' night in the winter. She reported that Humphrey did it and it was great. There would be a professional out of Omaha that would set that up and we could have Duncan trivia facts. She stated that Humphrey had a variety of questions to include all ages, so that no one is left out of the game. Further suggestions were talked about and Jeff Oppliger stated that the committee would need to set a date for a meeting to get all the plans written down. He also stated that they would be working on a logo for the 150th celebration. Lassek suggested the committee stick with the traditional dates of celebration for anniversaries. Jeff Oppliger stated that nothing is set in stone and it will be discussed. He encouraged Lassek to get involved with the committee in helping plan the celebration since he has so much knowledge and helped with the 125th celebration. Lassek stated he would help with the Polish side of things and gives some history of Polish settlement in Duncan. Michelle Oppliger was asked who is on the committee. She reported it was herself, Theresa Wenske, Shantel Groteleuschen and Carla Dahlberg. Lassek stated that the historical society has grant money (\$10-15k) and that you have to write in for it. Lassek reported on the different nationalities that settled in Duncan such as the Polish, Germans and Swiss. Lassek and Michelle Oppliger will exchange information to stay in contact with each other. Jeff Oppliger suggested sending an email out to residents to include a survey. Lassek stated that the fencing they use at Ribfest is unnecessary for liquor licenses. He stated that you only have to have designated open container areas. He also reported that when he helped with the 125th, that the committee had it planned out 5 years in advance. Jeff Oppliger again, encouraged Lassek to get involved with this planning. No further discussion on this subject.
- B. Adult Softball Tournament Request (Shannon Stutzman)** Stutzman presented to the microphone and stated her name and address. She requested that the Board allow the annual adult softball tournament this year. She reported that this would be the 22nd year in a row for the tournament. It was started by Matt Moore, who has since passed away. It was started by Moore to raise funds for the Duncan Ball Association. She stated that she took over approximately 4-5 years ago and has done a lot of work on the ball field. She reported that she and her husband trimmed trees, pulled weeds, fixed broken plumbing, fixed fencing and picked up tree limbs/debris after the storms. She stated that she and her husband have spent several hours working on the field. She stated that all of the money made was going to the Duncan Ball Association until the Association was discontinued. After that, they donated all the money to charities such as Sammy's Superheros and a single mom who was diagnosed with cancer. She stated that if they were allowed to have the tournament, they would donate this year's fund to the Duncan Ball Field. She further explained the care she would take in the past when they had the tournament. Such as, talking to neighbors and to the participants to be sure the field and town were treated well. She stated that there was one bad year when beer cans were scattered throughout town and a Trump sign was stolen from a yard. She had since talked with the participants on their behavior. Young stated that there has been a lot of people who have spent a lot of time and effort on fixing the field up this year and she does not want to see it ruined. She is very concerned about the brand new scoreboard getting broken since the fence is short and this is an adult tournament. Stutzman stated that they use old bats to prevent hitting homeruns and that they rarely hit over the fence. Young reported that when she went up to clean up the concession stand, the women's bathroom toilets were filled with feces and the grill had an old hamburger still on it. Stutzman stated that they never use the grill and have only ever used the chalker to draw lines on the field.

She stated that the bathrooms were clean and verified by Reves prior to her getting her deposit back. Reves stated that the bathrooms were not in that condition when he went in to winterize them prior to last winter. Therefore, he does not believe that it was left by anyone from this adult tournament. Stutzman further stated that they have always paid Schlesinger (Big Red Sanitation) to pick up their trash in the dumpsters/garbage cans as well. She stated that the participants bring their own grills and food or they have hired cooks a few times. Young repeated that the field is structured more for kids and that is what we have focused on since the new ball team has been using and fixing up the field. She stated that she is mainly worried about the scoreboard getting broke. Jeff Oppliger stated that he can see that Stutzman cares and we want to make the field available to the public. However, we are concerned it will be a drunken event with trash and destruction. He asked, 'Is it a charity event or a free-for-all to cut loose?'. He stated that we would be taking on a lot of risk in allowing this adult tournament this year, after all the work and money that has been put into the field this year. He stated that he does not want to say it can never happen again but, he does not think that this year would be a good idea. Larry Czapla presented to the microphone and stated his name and address (adjacent to ball field). He handed out a list to each board member that included all the rules and improvements that he believes should be included for the ball field. Along with suggestions for other items. He stated that the adult tournament has improved. The new boys team had done way more than Stutzman has for the ball field. He reported that there is always someone jumping his fence and looking in his windows. He stated that he would like to see the Village put up a 4 foot high, chain link fence 400 feet long, and no more. He wanted a truck to be able to fit through to the back of his property. He stated that, in the past, adults had a bonfire that was 6 feet high, at the ball field. And, that night, there was a car stolen from a resident in town. He reported men urinating in his yard. He suggested the board have nothing to do with the adult tournament. Czapla then began to go over his list. Jeff Oppliger redirected the meeting back to the agenda item. He suggested that Czapla request to be put on the agenda for the next meeting if he would like to go over his entire list and have discussion and decisions from the board. Czapla stated there was also a kid that got hurt up there once and it cost the Village \$10k for his injuries. Jeff Oppliger stated that is why we need time to come up with rules and waiver etc. Reves stated that we have been having Stutzman sign a liability waiver. Stutzman agreed and said that they provide their own insurance. Czapla stated there is always loud music from the tournament as well. He reported that even some of the parents from the new boys' team were behaving badly. He stated there were 3 dads that climbed on top of the concession stand building just yesterday. Stutzman stated that the items Czapla is talking about happened before she took over the tournament. Young stated that this is why we need to get the field established right now and would love to see other things happen up there. However, we need to have contracts and rules set up, as well as a deposit or a fee of some kind. Jeff Oppliger stated that the board needs to come up with a set of rules for the field that will apply to everyone who uses the field. After we have a set of rules then we can revisit the idea of the adult tournament. He asked when the tournament usually takes place. Stutzman said the second week of August. He stated that is not enough time to get put on the agenda and approved for this year. However, next year she should present to the board in May or so to request use of the field and we can discuss the rules and contract for using the field possibly. Oppliger then stated to postpone to the next meeting. He stated we could try to put something together by the next meeting. Evans reminded the board that it is Church property and that the Village's contract with the Church stated that we are responsible for anyone we approve to use the field. Young agreed to talk about the rules for the field at the next meeting and then approve them in the September meeting. Stutzman thanked the board for their time and dismissed herself.

C. NDEE (Nebraska Department of Environment & Energy) Water Needs for Budget (Lehr Subdivision) Formerly NDEQ (Nebraska Department of Environmental Quality), two reps from NDEE are present to speak with the board on any questions or concerns for water needs for the town/budget or for the Lehr Subdivision issue (notice of violation). Reves reported that our former rep has since retired and these two will now be the reps we go to for questions/concerns on the violation. The two reps introduced themselves to the board and explained they would answer any questions they have. Reves reported that he had met at the Village with the two reps last week to discuss the violation plans for the Lehr Subdivision. He reminded the board that the two options were priced at \$15k or \$33k. Reves reminded the board that Emerson (Village attorney) had stated he did not think we could assess the cost to the property owner and we would most likely have to attach a lien to the property unless we hire an attorney to litigate. Reves stated that he requested adding this cost (\$15) to the budget for next year so that we can get the work completed before being fined by NDEE. The two reps approved the \$15k plan and are expecting engineer plans for formal approval before we can do anything. Reves stated that Obrist has their own engineer and he would speak to them about drawing up engineer plans for us to submit to NDEE. Reves reported that work may not get started right away due to the high, water table. The two reps stated that they understand there are other factors affecting this work, such as the flooding in March, and as long as we are moving forward and not stalling, all will be fine. A brief review of the plan was discussed and all were in agreement to complete the cheaper priced plan (as previously agreed on). Reves reported that while they are working on that, he will also have separate 'shut off's' installed to each house, since there is only one shut off to all three houses at this time. If one person doesn't pay their bill and needs to be shut off, they all three will be without water. NDEE reps handed out a loan and interest rate handout to the board to show what kind of financing we could get. The Village will be paying for this and will not be obtaining a loan for the project. The reps stated that once they receive

the engineer plans, they should have it approved within two to three weeks. Once it is approved, we can get started on the project. They stated that if we do not get started on it until next spring, it would be understandable and acceptable. No further discussion on this subject. The board thanked the two reps for attending the meeting and being available for questions.

New Business:

- A. Recyclable Bin Usage at AJ's C-Store—possible placement of other bins** Evans explained that she was called by AJ's C-Store and asked if the Village would like to send out fliers on the new Green Fiber bins they have behind their store. She stated that AJ's would donate whatever money they make on having the dumpsters. Green Fiber pays them for all the paper materials they collect and AJ's thought that if the Village could get the community aware, that there could potentially be a lot of recyclables that they could get paid for. AJ's has stated they would donate all the money to the Parks & Rec/Ball Field fund for the Village. Evans also suggested putting a bin back in the post office again for paper materials since there is now a dumpster in town. She stated that a lot of people get their mail and throw away the unwanted stuff right there in the post office. Dahlberg suggested asking Green Fiber how often they pick up. He stated the dumpster is full right now. Others stated that the dumpsters in Columbus seem to be full a lot of the time and they are concerned with how often they are collected. The board was in agreement to use the dumpsters and possibly put a bin back in the post office. Evans stated that she would inquire how often the dumpsters are collected.
- B. ID Cards for Employees and Board Members** ID cards are needed for all board members and Village staff members. If there were an emergency, ID's would be needed for anyone to get into the Village or possibly into the town. Evans reported that Pat Siemek will be taking photos at the Duncan Fire Hall tonight. Evans sent out emails earlier (to board members) that they could get their pic taken before the meeting tonight or after. Siemek stated that the only persons who still need their pic taken is, Evans, Boruch and Laska. All board members were in agreement for the need for ID's. Siemek had stated that the ID's would be free to the Village. He stated he had just completed getting ID's for the Fire Department.
- C. Appoint Board of Health Member to Replace Former Chairman** Jeff Oppliger stated that since there was a change in Chairman, the Duncan Board of Health needs a new Chairperson/member nominated. *A motion to appoint Jeff Oppliger (Chairman) to the Board of Health was made by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman declared the motion carried.*
- D. Clarification & Possible Amendment to Ordinance Chp. 71 & 72 (Truck Route/Parking)** Oppliger stated there may be current issues with the truck route and parking ordinances. He read the ordinances aloud to the board. He stated to postpone the truck route revision to next meeting. Reves stated that Pinney's truck is not considered a semi-truck, when in actuality, it weighs just as much or more. Oppliger stated that we need to clarify the 'semi-truck' classification by putting weight limits in the ordinance. He reported on the different classes of trucks in regards to weight and suggested that be included in our ordinance. The board agreed. Dahlberg stated that truck weights are always listed on every vehicle, making it easy to accurately assess. Oppliger stated he looked at Columbus' ordinance on truck parking and it was similar, in that trucks are not allowed to park in residential sections at all unless they are loading or unloading (same as the Village ordinance). He stated loading zones in alleys are for 20 minutes. He reported no detached trailers are allowed on public streets either. He stated their ordinance on RV/bus parking is the same as ours as well. Oppliger stated that the Village needs to start enforcing the parking ordinance. He wants to welcome new people and not start out communication with them by sending them violation letters. The board agreed.
- E. Obstruction of Drainage Ditches** Young stated that the drainage ditch that the Village put in for standing water, under the road by the Dahlberg addition, is being obstructed. She witnessed a neighbor filling the ditch in with loads of dirt, covering up the manhole as well. Reves spoke to the resident and the resident explained that it has caused water to back up onto his property. Reves is unable to gain access to the manhole at 13th Street and 10th Avenue, since the resident caused the ditch obstruction. Reves reported that state statute 31.34 states that it is illegal to block a drainage ditch and the offender is responsible for any damages due to his blockage as well as a fine of \$10-\$50. Young reported that she has a picture of the offense that was completed on June 27th. Oppliger stated to send the resident a letter which will state that he has 14 days to remove the blockage and the dirt from the manhole. It will also need to be inspected and approved by Reves. Oppliger stated to send a copy of the state statute as well. Evans stated that she would send him a letter and copy of the state statute.
- F. Mosquito Control** Oppliger made inquiries on the briquets to kill mosquito larvae in lagoons and standing water in ditches etc. He thinks it would help in ditches but lagoons would take many briquets. He spoke with other towns on mosquito control and found that Stromsburg has their own equipment. They reported to Oppliger that it costs \$300 per application to hire them to fog/spray the town. It can only kill active mosquitos that are flying. Oppliger's suggestion is that the Village should look at buying our own equipment and fogging the town ourselves at some point. He stated the cost would be \$2-5k. Reves would have to get certified for the use of the chemicals as well. Humlicek suggested getting someone out to fog the town this summer yet. Oppliger stated that the healthboards will donate the briquets to put in standing water and he will see if Stromsburg can come out and spray soon. The board is in agreement.
- G. Duncan Fire Dept. Bylaws Update** Pat Siemek presented to the microphone and stated that they had just had a revision done of the bylaws. He reported that the biggest change is that Fire Department changes

will no longer have to come through the city council. The bylaws no longer state that changes need to come through city council. Fireman approval will still need to be completed by the Village board. Dahlberg stated that would need to be stricken from our Village ordinances in order to remove the Board from the responsibility of approving each person who applies for duty. A motion to approve the Duncan Fire Dept. Bylaws Update *was made by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger and Boruch. Dahlberg abstains due to conflict of interest (Fire Dept. member). Voting nay—none. The Chairman declared the motion carried.*

Departmental Reports:

- A. Utilities/Maintenance/Streets** No report.
- B. Parks & Rec** Young reported that she and Dahlberg met with Andrew Fry Inc. representative to go over park improvement ideas. She stated that JEO is who put her in touch with this representative. She stated that he loved our park and location. He suggested saving the swingset but to move them along the west side of the park. He suggested taking the lion and tiger swings down and put a baby swing set up in that spot. He suggested to Young that we could have a little kid section, toddler section and more than enough room for all. We would need to trim one of the trees and could put a paved path around the park and make roadways through different areas of the park. He suggested to put a picket fence on the east side and sell individual pickets for a fundraiser and put the name of the donor on each picket. Benches for fundraising was also mentioned. She stated that a shade structure could also be constructed with a picnic table. Young stated to possibly have a railroad theme and ask Union Pacific for a donation. She stated that Andrew will draw up preliminary plans and will go to several vendors for pricing. She stated we could possibly upgrade our little park as well. He reported to Young that we could possibly get this going by fall and have installed prior to the 150th celebration. She stated that the surfacing of the park would get rid of all grass and would be recycled rubber which will give us a 25% kickback. Once approved, they will make the plans work with the rules, setbacks etc. They encourage a community build but send at least 2 people to supervise. He looked at every aspect. Young stated it would be 2 weeks for a proposal/rough draft. Evans asked if he had mentioned anything about getting the community involved in the planning process, in order to get their buy-in and desire to help with the community build. Young stated that he did not. Evans suggested possibly sending out a survey or questionnaire to residents to see what ideas they may have etc. Evans stated that the more you involve the community, the less negativity you will have and the more enjoyment you will have all around. Oppliger asked if Andrew would come to our meeting to present his draft. Young stated that she would talk to him about that. Evans stated that we could send out a notice to residents to come to that meeting and voice their opinions and see what the plan is. Young also stated that there could possibly be water features installed as well.
- C. Planning & Zoning** The Carr property will be having a Sheriff sale/auction this week. Reves stated that the bids would start at \$3500 possibly. Oppliger stated that he met with the US Cellular rep today about the antennae they want to install on our water tower. They have two plans...antennae or put up entire tower north of town. They were unsure if our water tower would be able to structurally hold their antennae. They stated they had spoken to a land owner who is willing to let them put a tower up on their land. Oppliger stated that he found out that our water tower was built in 1913. Oppliger stated that the US Cellular rep told him they would have fiber optics brought to town for their use. He stated that this could give us more options for internet in the future as well. He stated that Applied Connective would like to bring fiber to Duncan. He stated that Frontier is a failing business. Oppliger stated he switched his home to Applied Connective a few weeks ago and has had no problems yet.
- D. Clerk Report** No report.
- E. Treasurer Report** Laska reported the bills and handed out the bill recap to board members. Laska handed out a spreadsheet on the ball field donations, income and expenses that showed there actually was a profit this year. Young stated that she was not expecting a profit the first year due to all the items needed for start-up costs. The board looked over all expenses and receipts on the bill recap, and a *motion to approve the bills was made by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman declared the motion carried.*
- F.** 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 scheduled meeting will be held on **Monday, August, 12, 2019 at 7:00 PM.** Being no other business, adjournment was made by Oppliger at 9:07 p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)