**VILLAGE OF DUNCAN BOARD MEETING**

**July 9th, 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**:16** 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 and Josh Dahlberg. Chris Staroscik and Joe Boruch were absent. Also, in attendance, were Village Staff: Don Reves and Mari Evans. Stephanie Laska was absent. Visitors included: Michelle/Jeff Oppliger, Kayla Humlicek and Matt Wenske. Due to Paige Young being absent last month and having only 2 available board members to approve prior minutes, Schaefer postponed approving June minutes to next month’s board meeting*.* Schaefer publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. No requests were made and the Chairman proceeded with the agenda.

**Unfinished Business:**

1. **803 6th Street (Request to Forgive Lien)** Schaefer reported that since we have 2 board members absent and he has conflict of interest in the matter, there are only 2 board members here to vote on the subject and we need at least three. We will have to postpone this subject discussion and voting to next month’s board meeting. Humlicek accepted the board’s apology and stated she would return next month, then left the meeting.
2. **624 5th Street Abatement Plan** Young stated that Tina Fernau had just messaged her, asking for her help in getting her name removed from the deed because she does not want to be responsible for the demolition debt. Schaefer stated that he spoke to her last December (prior to Schrant’s death) and advised them they had one month to get that taken care of or we would proceed with the abatement with their names on the deed. She stated her understanding and was not heard from again about it. Young reported that Charles Grafton had texted her stating that he was still waiting on his attorney and Home 360’s attorney. Young had spoken to a rep from Home 360 and she was told that the property has approximately $100K in debt against it and so it may not be easily obtainable due to Michael Schrant having rights to it as well. She stated that the rep asked if we could push the abatement another month in order for the attorneys to work things out. It is known now, that the previous occupants have returned and are currently living in the home. According to what Grafton told Young, he was in the process of getting them evicted. Schaefer reported that he does not believe things are moving quickly enough however, at least something is happening. He suggested making a new motion to at least clean up the outside of the home as part of the abatement. Young reiterated that Home 360 would like the board to wait another month so that the Village doesn’t accrue more debt than needed. Schaefer stated he does not think anything will happen. That the estate will drag it out forever due to the huge debt already attached to the property/estate. He stated that the Village is most likely going to have to pay for this property to be cleaned up. He suggested we get the Village attorney (Stan Emerson) involved at this point, due to all the confusion with the deed as well as the occupants. Evans stated she would call him and get an appointment that Schaefer could attend as well. Schaefer stated there should be at least one board member there with her. Young also offered to go if Schaefer could not make it. Jeff Oppliger spoke and stated that the priority should be getting the occupants out. That we do not want this ‘bad element’ living in our community. Schaefer stated again that we will be getting our attorney involved so that we do things the right (legal) way. He stated that all the fees associated with this abatement, including attorney fees, will be assessed to the property. Young stated she will let Grafton and Fernau know that we are going to involve our attorney at this point. Schaefer stated that we will plan to go ‘full on’ with the abatement procedure according to our attorney’s recommendations. Evans will make the appointment with Emerson. No further discussion on this subject.

**New Business:**

1. **Proposed Ordinance 18-197 (Street Project Highway Allocation Funds Pledge Bonds)** Schaefer stated that there is no one here from Ameritas and so we will have to talk to them to see if there is anything else we need to do on this subject, since it was already passed last month. Evans will contact Ameritas about it. Schaefer reported that we will postpone until next month if needed.
2. **NDEQ (Nebraska Dept. of Environmental Quality) NOV (Notice of Violation)** Schaefer read the entire notice sent from NDEQ. This has to do with the Lehr subdivision on 6th street that was built in 1999. Schaefer explained that Bill Lehr had placed inappropriate sewer lines in that subdivision and when he was inquiring about our sewer line to Reves a year and a half ago, Reves noted with a rep from Nebraska Rural Water that the lines were not of the correct size and there were no extra manholes. Reves reported it to the NDEQ as he should have. NDEQ then sent Lehr a NOV and gave him certain dates to correct this, including engineer plans to be approved by NDEQ, or receive large fines. We received a copy of the notice when it was sent. We had heard nothing else since, until now with this NOV being addressed to the Village. Schaefer stated that the NDEQ is holding the Village responsible for ‘letting’ Lehr install the sewer/water lines that he did. The NOV requires us to have engineer plans to NDEQ by Oct. 31st of this year for them to approve/deny and then further complete the entire project to bring it up to their code. Evans reported that when this originally started, she had sent an email question to NDEQ about who was responsible for getting the NDEQ permit for sewer lines…the owner, the contractor, the plumber or the Village. She read the response to the board which stated that ultimately, the responsibility falls to the ‘owner’. In this case, Bill Lehr. She stated that she also knows one plumber that worked on only the indoor plumbing at that subdivision. She reported that he has a waiver signed by Bill Lehr stating that the plumber doing the indoor work would have no responsibility or liability in the installation of the sewer/water lines. She stated that this plumber had told Lehr that what he was doing was against code and Lehr understood that and wanted to proceed anyway. So, Lehr signed the waiver so that the plumber would continue his work inside the homes. Lehr then hired another plumber to do the outside lines. Evans stated that this plumber has since passed away. Evans reported that she believes that the Village is the only one left to blame, since Lehr and his attorney were able to get out of the responsibility…even after receiving a NOV from NDEQ. Reves then reported that he had talked to Mike Lucas from NRWA (Neb. Rural Water Assoc) who stated that he had never heard of NDEQ doing this before…going after a municipality in a case like this. Reves stated that when said and done, the cost to the Village to redo this project, would be approximately $30,000. The board discussed briefly and decided to talk with our attorney about this subject as well. Evans stated that she would add it to the list of subjects to talk with Emerson about.
3. **Village Board Yearly Goals** Schaefer reported that since we are missing two board members, we will postpone this subject to next month’s board meeting.

**Departmental Reports:**

1. **Utilities/Maintenance/Streets** Reves reported that the street project should be completed by Wednesday. The overlay will start tomorrow. He stated that it appears we will have some leftover asphalt. He reported that the Paver’s Inc had equipment go down at their plant and so they are using a much better asphalt than what was purchased. He stated that this asphalt has no mixed-in millings. He reported that the company is not changing their price due to it being their plant having the problem. Reves reported that Ziemba house sold and he guy who bought it would like to put a garage in the backyard. He stated that he is putting a fence up and in order to approve his zoning permit for that, the property had to be surveyed to find the stakes. After finding the stakes, it appears there is an alley behind his house. Reves stated that in order for the owner to get to the potential garage in the backyard, the alley would need accessed. However, right now, there is only grass and a curb and the owners of the attached properties share the mowing. He stated it wouldn’t cost much ($250) to cut out the curb out and lay gravel down for an alley access to the owner’s property line, for him to access his backyard garage when it gets built. Evans reported that the owner was in her office today and he told her it may be 5 years before he has enough money to build the garage and he still may try to buy the lot on the east side of his home from the Arizona man that bought the Jareske land. And, that would also give him access to the back if he needs it. Reves would like to take care of the alley access now and Schaefer suggested waiting until the owner actually does something. He stated that you never know, he could change his mind or not do it at all and then we have another alley to maintain in winter etc. Reves agreed.

Schaefer also stated that Ben Jareske would like the Village to put up a goose fence around the lagoons in order to keep the geese from ruining his crops. Schaefer stated that Duncan Lakes had paid for one to be put up around theirs. Apparently Jareske shot blanks at the birds and that took care of the problem for awhile but they are back. Reves stated that he has found dead geese around the lagoon as well. He stated that if we got caught with having a dead bird in the lagoon we could get fined. Schaefer stated that he would look into it and talk to Duncan Lakes to see how they went about theirs and then we will re-examine.

1. **Parks & Recreation** Dahlberg stated that the pop stand at Ribfest this year brought in $2,076 for the Parks & Rec fund.
2. **Planning & Zoning**  Reves stated that there will be a public hearing at the July P&Z meeting for a homeowner requesting to amend the P&Z ordinance that states height and length restrictions on accessory buildings. He would like to raise and lengthen the restrictions in order to build a building large enough to put his camper in. Reves stated that he spoke to Jeff Ray (engineer with JEO) about this and Ray strongly suggested NOT amending the ordinance for the future of Duncan. Reves stated that if it is approved, it would not just be for this homeowner but for anyone in town. Anyone in town could then build these tall, long buildings in the middle of town to put their campers in. And this would not match up with the plan for Duncan.

Schaefer then reported that Hollman was wanting to put a carport onto the front of his garage of his home but the setbacks stated in the P&Z book are misleading. They state so many feet from the ‘street’ but Reves stated that means from the property line. Schaefer stated Hollman would be right on with the setback from the actual street but not from the property line. He doesn’t understand why it states ‘street’ when it means property line. He stated he would like to see that verbiage changed in the book to say what it is supposed to be. Reves reported that he even asked Ray about this and he too agreed that it is from the property line when it states ‘from the street’. Reves reported that the P&Z committee has a plan to update the P&Z book and it may be a good idea to attend their meeting and request that change. Schaefer agreed.

1. **Clerk** Evans has no report
2. **Treasurer Report** Laska is absent tonight. However, she did get the monthly recap finished and Evans passed them out to each board member. She read a statement from Laska and the board reviewed the bills. Schaefer questioned the bill for $100 from JEO. Evans read what the bill stated as explanation, which was general. She stated that she would contact them and find out what exactly it is for. After the board reviewed all the bills, *a motion was made to approve the bills to be paid with stipulation to check on the JEO bill, by Young, second—Dahlberg.* *Vote was as follows: voting aye-Young, Schaefer and Dahlberg. Voting nay--none. The Chairperson 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 next regular meeting of the Village Board of Trustees will be on **Monday, August 13, 2018 at 7:00 PM.**  Being no other business, adjournment was made by Schaefer at 8:20p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)