

VILLAGE OF DUNCAN BOARD MEETING

June 10th, 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 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 being held. Board members present were Oppliger, Kayla Humlicek, Paige Young and Josh Dahlberg. Joe Boruch was absent. Also, in attendance, were Village Staff: Mari Evans, Don Reves and Stephanie Laska. Ken Halverson from Nebraska Rural Water Association (NRWA) was also present as per agenda. 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 5-13-19 was made by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg. Boruch was absent. Voting nay—none. The Chairman declared the motion carried.* Minutes were reviewed and *a motion to approve the minutes from 5-30-19 was made by Humlicek, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg. Boruch was absent. Voting nay—none. The Chairman declared the motion carried.*

New Business:

- A. Open Meetings Act Review (Halverson with NRWA)** Ken Halverson from NRWA presented to the board. He had set up a screen and power point presentation to review with the board the Open Meetings Act. He handed out packets with the presentation and agenda. As well as an evaluation of his presentation to be completed after the review, by the attendees. Halverson presented his information to the board as scheduled. There were a few questions from board members and Village employees. Some discussion for clarification was made on official proceedings. The board and employees were satisfied with the presentation and Halverson thanked the board for the opportunity. He ended his presentation at approximately 8:10pm. No further questions were asked. No further comments or concerns were made known by anyone present.
- B. Main Ave. & 13th Street Repair Update** Reves reported that B-D Construction had been there to make cuts in the pavement to get ready for the demo. He stated we are just waiting for them to return and take out the old asphalt. Oppliger explained that there was concern as to the cost of the project possibly running over the \$30k that would require the Village to have completed public notice and hearing for bidding. Evans stated that because the B-D's bid left room for more cost and the bid was already close to \$30k, she inquired to Tyler Hevlin of JEO (Village Engineer) about the ramifications of the cost going over \$30k and the liability of the Village in that regard. Evans asked Hevlin (per email) what we should do. Oppliger read the response given by Hevlin in an email. He read that, "Given what you are stating in your e-mail, it sounds as if the area of repair is not quite defined yet, and there is a good possibility it may go over \$30K. It looks like you may have three options:
1. Proceed, and hopefully it stays under \$30K. If you are pursuing this option, I would ask them to review it with you again on site, and everyone make a determination on where the work is to begin and end and then re-calculate the costs to see if it is under \$30K. Unfortunately, there are times that the quantity may change (increase or decrease) during construction and there isn't much one can do about it.
 2. Proceed knowing it is likely you will exceed \$30K. The risk you run here are a) your auditor/accountant may say something about this expense without bidding it, b) some citizen or other contractor may challenge the Village and indicate public bidding was not followed for an expense over \$30K, c) and there could be other concerns. I cannot speak to how likely it is that one of these things may happen, but JEO feels it is important to inform the Village. Your attorney most likely would be able to explain this better.
 3. Rescind the Village action and do not accept the bid. Then proceed with public bidding to ensure you meet all the statutory requirements for the Village. The Village can rescind the bid as long as the contractor hasn't started work...if he/she has started work, the Village may be responsible for the costs they have incurred thus far."

Oppliger then stated that Boruch had emailed his opinion on the matter. Oppliger read the email to the board aloud, which stated that Boruch's opinion was to rescind the bid and start over with exact specifications of where to measure as well as putting in the contract to have the concrete work conform to State Highway spec's. Reves stated that the area was marked the same for every person that bid on the project. Oppliger stated that he agreed with Boruch, in that, the measurement needed to be equal. However, Oppliger stated that when deciding on who to choose for the bidding, the bids were broken down into cost per square foot. This allowed the board to see what the actual cost was based on per square foot, rather than only the mixed measurements from each bidder. Young reported that Dustin Young (her husband; B-D's employee) and Chris (B-D's) had re-measured. Evans reported that she had emailed Chris (B-D's) about adding an amendment to their bid in writing, that would state that the cost would not exceed \$30k. She explained to him what the issue was and he responded to her email that the only extra cost would be if the subgrade was degraded. However, he had stated in his email, that the subgrade is not expected to be bad since it is mostly sand. Evans stated that she did make Chris aware that there was a board meeting tonight and we needed the amendment by then. She stated that she just checked the email and there was nothing sent from B-D's. Oppliger asked the board if they thought we should rescind or let them go ahead and start? Young pointed out that they already started since they cut the street. Oppliger stated that Hevlin's email relayed that we could still rescind, however we would have to pay for work already done. Oppliger stated

that the cutting would have had to be paid for anyway. No matter who completed it. Reves stated that he didn't think B-D's would be here this week to work on the street unless it does rain. He stated they are busy and will use a rainy day to start demo when they would not be able to work on other projects. Oppliger stated that he thought we should stay in contact with B-D's and give it through this week to get it in writing (that won't go over \$30k). He stated that if we do not receive it, we can have a special meeting to rescind the bid and revisit the issue. The board agreed. Reves stated that he was told when the demo was complete, the concrete would be poured immediately after. So, it shouldn't take that long, once they get started. Humlicek pointed out that no company would be able to tell us what condition the subgrade was in at this point. Reves also pointed out that all contractors are very busy at this time and we may not get too many more to even bid on our project. The board agreed to give it the week and stay in contact with B-D's.

C. Review Delinquent Accounts Evans gave each board member a handout showing the accounts that owe the Village and are considered 'delinquent' by Village ordinance. She stated that there were no major issues and that there were a few that are scheduled to be shut off on Wednesday of this week. She stated that they are often on the shut off list and usually pay right before the scheduled shut off date. She stated that she was not concerned about any account at this time. Oppliger noted the two accounts that had large balances were our two abatement properties. No other comments or questions from the board.

D. Proposed R19-230 (Resolution for Credit/Debit Card Policy) Oppliger read the resolution in full, aloud for the board to hear. He reminded them it was for the policy that was approved last month on the board/employee use of Village credit/debit cards. *A motion to approve R19-230 (A resolution of the village board to adopt the purchasing card program user guide and agreement policy as written and approved) was made by Young, second—Humlicek. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg. Boruch was absent. Voting nay—none. The Chairman declared the motion carried.*

E. Proposed Cellular Antenna on Water Tower Oppliger reported that US Cellular was inquiring about putting an antenna on our water tower. He stated that he was asked about basic info which we gave and was told that the company would send someone on-site to evaluate the area. Oppliger stated that he was told that the company would also need a 14X14' pad to install an equipment closet. He stated that he has not heard anything since giving the basic info to him. Evans reported that since Oppliger had spoken to the contact, she had done some research on this possibility. She reported that there are companies available to help people negotiate with these cellular companies. She stated that she read that we could receive a negotiated rental fee for letting them use our water tower. However, she suggested that if the board decides to let this happen, they should be sure that they have a contract that includes everything they can think of to protect the Village. She suggested being sure to include that they would be responsible for any maintenance of their equipment as well as if they discontinue service, they must take all their equipment down and out. She also suggested to include who is responsible for any damages to our water tower from anything to do with the antenna. Reves also stated that he would like to see our water tower maintenance company be involved and present while the antenna is installed. This would prevent any issues with the antenna or equipment damaging our tower or getting in the way of our maintenance. The board agreed. Oppliger stated that he would wait to hear from them again and see what they are offering and bring that back to the board for discussion.

F. Proposed Town Internet Options Oppliger stated that he had received an email of a new internet provider. Board members were given copies of the ad received. He stated that he is looking into what other internet options the town of Duncan could have, since at this time, Frontier Communications are the only provider. He stated the ad was from Applied Connective who has an antenna on the elevator in Duncan. He stated he was unaware of the quality. He stated that he had reached out to Stealth broadband and was told that they do have fiber-optics laid 3 miles north of Duncan. He stated that he is waiting to hear back from them to see if they would commit to coming to Duncan. He spoke to the technician at the York CVA and they stated they have their own internet but would like fiber. Oppliger stated this goes the same for Duncan Lakes residents. He found out that Eagle does not have plans to lay any fiber in 2019 and that they just put millions into Columbus. He stated that if we tried to run off the Columbus lines, it could get very costly due to having to run line past 2 rivers and railroad tracks. Reves stated that he was told that Frontier is planning to run fiber lines out to Duncan Lakes. Oppliger stated that he is aware that Frontier's customer service is horrible. Several members and Reves spoke to personal stories of their poor experience with Frontier quality and customer service. Oppliger stated that if Frontier would invest in their infrastructure, he wouldn't mind staying with them. However, Frontier does not spend any money in Columbus. Dahlberg pointed out that if Frontier cared about Duncan or Columbus, they would not have closed their only office in Columbus. Oppliger stated he is trying to find a company that will bring fiber lines to Duncan. Reves stated that Frontier does have fiber lines to Duncan, however there is only copper in town. He also stated that he was told, by a Frontier employee, that the equipment in the central office next to the Village Hall is all outdated. Oppliger stated that he just wants to make the right choice for the community and find some better options. He will continue to research this issue and report back to the board when he has more information.

G. Proposed Annual Adult Softball Tournament (Ball Field Use) Reves stated that he has not been contacted by the person who usually contacts him in regards to having the annual tournament. He stated that there is no financial gain for the Village or for the town. He stated that they didn't even buy their beer from Duncan's My Place Bar last year, as in the past. He reported that 2 years ago, they left the town a mess with garbage littered all over. Young also reported that the grill (at the ball park) had been used at some point because when she had gotten it out to clean up for concession use, she noted an old hamburger

on it. Reves also stated that there is no one from Duncan that even plays for the tournament anymore. Dahlberg stated that he voted 'no' for letting the tournament happen. Young and Dahlberg stated that there has been too much work and money put into the field by several people and they do not want to see it trashed over a weekend. Reves stated that once the baseball games are finished for the season, he and Nick Larsen plan to oversee the outfield and continue watering, to build up the grass in the outfield. He reported the homerun fence is too short for an adult league and they could possibly hit the new scoreboard and damage or break it. Oppliger stated that he felt they should not be allowed to play there this year. However, he would like to revisit the matter in the future. He doesn't want to say no forever but feels it needs more structure. He stated that the field has now been opened for a youth league. He asked Reves to get ahold of the contact for the tournament and let them know the request was denied to play there this year. *A motion to deny the annual adult softball tournament to play on the ball field was made by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg. Boruch was absent. Voting nay—none. The Chairman declared the motion carried.*

Departmental Reports:

- A. Utilities/Maintenance/Streets** Reves reported that there was a vehicle reportedly doing 'cookies' on the ball field last weekend. He stated he went up there and talked to boys that were there playing. He got a description of the truck used. He noted that the padlock to the equipment shed was also cut off. He reported that it did not appear anything was taken. He called the Sheriff and awaited the officer. He reported to the officer who the culprit was that did the 'cookies'. The officer went to talk with the young man and later, Reves stated he saw the boy picking up garbage on and around the ball field. He stated he asked the kid if he cut the padlock off and the kid stated he did not do that. Reves replaced the padlock with a copy of two others used so that they all have the same key. Young asked about closing the gate to the field to prevent others from driving in. Reves stated he could lock that gate as well and give a key to Nick Larsen for usage.
- B. Parks & Rec** Oppliger stated that there was a complaint from a homeowner that lives next to the ball field. He complained that kids were playing on his unsteady fence and he was worried they may get hurt and hold him responsible. Oppliger and Dahlberg reported they spoke with the man and conceived the idea of putting a fence up to prevent kids from going onto his property. Dahlberg stated that the man preferred a 4 foot fence as compared to a 6 foot fence. Oppliger stated that we can get started on getting bids for that and get it on the budget. All board members agreed. Reves stated that we would have to get permission from the church as well, due to our contract with them. Reves also stated that we will have to have the land surveyed in order to find the lot stakes to be sure of where to put the fence. Oppliger also brought up that the plumbing in the ball field bathrooms will need redone as well. He stated there is a leaky faucet in the women's bathroom. Dahlberg stated he redid some of the men's room plumbing. Oppliger asked Young and Dahlberg if the plumbing could get through the rest of this season and they stated, yes. Oppliger stated we could get it on the budget then for the next season. Oppliger asked if there were any other security concerns. Reves stated that there is a security light that will be upgraded to a motion light on the concession stand. AJ Bloebaum has offered to upgrade that. Oppliger also suggested there be more helpers for games/tournaments for concessions for the rest of the season so that people aren't putting in 12 hour days (from work and concessions). Oppliger suggested setting up a Parks & Rec petty cash in the office so that if they run out of bills at concessions, they can have somewhere to get some. Dahlberg and Young and Oppliger decided to keeping \$100 in the concession stand for regular games and \$200 cash for tournament games. This should suffice so that there will not be a need to run up to AJ's and get cash for concessions.
- C. Planning & Zoning** No report.
- D. Clerk Report** No report.
- E. Treasurer Report** Laska reported the bills and handed out the bill recap to board members. Laska stated that there was a large payment for the water treatment as well as a large sewer payment due. 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. Boruch was absent. 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, July, 8, 2019 at 7:00 PM.** Being no other business, adjournment was made by Oppliger at 9:02 p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)