

## VILLAGE OF DUNCAN ZOOM BOARD MEETING

May 11<sup>th</sup>, 2020

7:00 PM – ZOOM MEETING #769-787-6167

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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 meetings are usually held. Board members present were Paige Young, Jeff Oppliger, Josh Dahlberg and Joe Boruch. Kayla Humlicek was absent. Also, in attendance, were Village Staff: Marianna Evans and Don Reves. Stephanie Laska was absent. Visitors present were: Travis Stempek, Betty Kropatsch, Nick Larsen and Gary Schlesinger. Everyone was able to hear/see all members, employees and visitors present. A motion was made to approve the minutes from the April 15<sup>th</sup>, 2020 board meeting by Dahlberg second—Young. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek was absent. The Chairman carried the motion. No visitor discussion or concerns were brought up.

### Old Business:

**Ball Park Rules** Young reported that she and Dahlberg discussed the upcoming season where baseball practice can begin June 1 and games on June 18<sup>th</sup>. She stated that spectators were not allowed in the stands. She stated that she and Dahlberg agreed that they would not do concessions this year due to the limited visitors and difficulty of maintain 6 foot social distancing. She added that the cost would outweigh the benefits this year. Larsen stated that Governor Ricketts actually put out new DHM's stating that there could not be any concessions this season by statute. Young stated that she looked over the Ball Park Rules and that they will remove the fee due to not having concessions this year. Larsen stated that he wanted the Village to know how much he and the rest of his team appreciate the ability to play in Duncan. He stated that they had a fantastic year last year and the concessions were great and appreciated as well. Young reported that they would revisit the Ball Park Rules prior to next season so that everyone involved will benefit. She stated that Dahlberg, Larsen and herself could meet and negotiate. Oppliger stated that the incentive for the Village is to have activity at the ballfield. He wants to work out the details. He reported that we are learning as we go because this is new to us and we want the ball team to continue to play here. Boruch asked if we should charge some kind of fee at least for the lights and mowing costs. Larsen stated he would be happy to pay for the lights and any other costs associated with letting them play there. He stated he would just need the Village to figure out what the cost actually is and let him know. Oppliger stated that the Village needs to figure out the actual cost as well as increase staffing of the concessions stand to cover the need. He stated we want to be fair to both sides. Larsen reminded the board that initially (last year), he explained to them that he wanted nothing to do with concessions. He didn't want to saddle his parents with the responsibility and wanted it to be simple and just about baseball for the kids. He was fine with not having concessions at all. He stated he told the board if they wanted to run concessions as a fundraiser, that they were welcome to and keep all the proceeds. He stated that if they have to pay a fee of \$75/game, it would double their operating cost. He stated he does not want to argue about it and agreed that the concessions were great, however, he would like to stay away from it as he initially agreed to last year. He explained that with all the dirt they brought in and the work and equipment they put into the field, that they have approximately \$10k into it right now. Oppliger stated that we need a clear understanding on both sides and that we want the kids to play and get more kids to participate. He stated that these rules were based on what other teams around the area were doing. Young stated they would revisit the fee next year but she still needs Larsen to sign the rules. Larsen stated he would be happy to sign the rules as long as the fee is taken out. Oppliger agreed and stated that it would be revisited next year and to be sure that this contract is labeled for the 2020 season only. Oppliger asked Larsen if they would need access to the restrooms. Larsen stated it would be good to have them open and that he would keep it stocked this year. Larsen stated he believes that state regulations are stating the bathrooms have to be cleaned after each event. Oppliger stated that we will need to look into the regulations so that we are all clear and revise the rules with the COVID mitigation rules. Oppliger stated we will put this on the next agenda to approve. Larsen stated that he really appreciates being able to play in Duncan and they had the best summer last year and also enjoyed going to the bar after games. He stated that he looks forward to continue playing in Duncan.

### New Business:

**Abandonment of 4 Test Wells** Reves reported that Duncan has 4 Test Wells in town and that none have ever been used. He stated they were put in when the water treatment was put in but they were ultimately unusable. Reves stated that there are 2 wells inside the water treatment fence and one on Connie Stempek's property and one on Travis Stempek's property. He received an estimate from Sergeant Drilling on the cost and was quoted \$7,175 for a total to legally abandon them. He reported that he spoke to the Lower Loup NRD and that they are willing to give the Village \$500 per well if we abandon them as a part of a cost share program. So, our total cost then would be \$5,175. In order to receive the NRD cost sharing, it must be completed by November 9, 2020. He stated we could possibly get an extension on it if needed. Reves reported that open, unused wells are a potential for ground water contamination and that some of these wells' caps are held on by tape. He stated that the abandonment of unused wells may become law soon. He stated that they would be filled with either gravel and/or benedite and cut off 5 feet underground and capped. Oppliger asked if this was on the budget for this year. Reves stated that it was not on this year's budget. He stated that we could put it on the next budget and still get it done in time for the cost sharing since the new budget year begins October 1, 2020. Oppliger then asked about the need to get other bids. Reves stated that by statute, we only need several bids when the cost is well over \$5k. He reported that the Village has always done business with Sergeant Drilling and that there are not a lot of other

drillers that abandon wells. A motion to remove the test wells on the new fiscal year budget was made by Dahlberg, second—Boruch. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek was absent. The Chairman carried the motion.

**Ribfest Liquor License Proposal** Evans read Schlesinger's letter of request aloud to the board. Schlesinger stated that he has a meeting scheduled with Governor Ricketts this week and would find out for sure whether or not he can even hold Ribfest this year. He didn't want to get behind with the SDL however, and so is requesting approval for one of two date frames. June 27-28 or August 29-30. A motion was made to approve the request for an SDL Ribfest for dates of June 27-28, 2020 or August 29-30, 2020 by Boruch, second—Dahlberg. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek was absent. The Chairman carried the motion.

**Ribfest Street Closing Proposal** Evans asked Schlesinger if the street closure would be the same as previous years. Schlesinger stated yes, it would be the same. A motion to close the streets for Ribfest as previous years for either June 27-28, 2020 or August 29-30, 2020 was made by Young, second—Dahlberg. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek was absent. The Chairman carried the motion.

**Clerk/Treasurer Appointment** Evans explained that when she tried to register the 1&6 year road plan information online, she found out that she needed proof of her occupation as Clerk. When she asked a representative that helped with issues on this, she was told that she could use minutes from when clerk was appointed. Evans stated that she has never been appointed since she started working here 5 years ago. It is stated in the ordinance book that the clerk and treasurer are to be appointed each year however, Evans explained that she was told that since the positions are paid positions, that they need not be appointed. When she asked the rep from League of Municipalities this, she was referred to attorneys. Evans reported that she thinks that the ordinance just was never updated to take that appointment out. She stated that she would get further clarification on the need for appointment or the board could simply appoint the positions tonight. The board discussed and agreed to get further clarification before acting.

**2020 Street Project Pay Terms** Oppliger stated that he had discussed the payment of this project with Laska and that she had highly suggested we pay over two separate fiscal years as was discussed in prior meetings. Oppliger wanted to be sure that it was in the contract with Boruch Masonry, that he would be paid half this fiscal year and the other half in October, 2020 (beginning new fiscal year). Evans reported that she had gotten approval from Boruch Masonry and the other bidders prior to the decision of who won the bid. She stated that Boruch Masonry was willing to be paid in that fashion, so it should not be a problem. Evans stated that she completed the contract in that way as well.

**Proposed Adoption of National Fire Protection Association 1 Code (Ordinance 20-200)** Dahlberg explained the difference between the old version and new version of the code book. Evans explained that she made the ordinance so that it would adopt whatever the 'current' copy of the code book is instead of having to adopt a new version every time one comes out. Dahlberg stated that fire pits are covered in the new version however there are no restrictions on size. He explained that the new version covers everything that the Fire Marshall would cover. Evans read the entire ordinance 20-200 aloud to the board. A motion was made to approve ordinance 20-200—Adopting the current National Fire Protection Association Code by Dahlberg, second—Boruch. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek was absent. The Chairman carried the motion. A motion to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings was made by Boruch, second—Young. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek was absent. The Chairman carried the motion. Evans read the entire ordinance aloud to the board one last time. Dahlberg stated that he is working on getting a copy of the current code book for the Village, at no cost.

**Fire Pit Ordinance Details** Oppliger stated that he looked into Columbus' fire pit ordinance and there is a 10 part, detailed ordinance on fire pits. Dahlberg stated that he believed there should be a size limit on fire pits. He stated that Menards only sells one size and that anyone who would build one should not be able to make it any bigger than what is sold at Menards. Oppliger stated that he believed the Village should just stick with the current fire code book. No further discussion from the Board.

## **Departmental Reports:**

### **A. Utilities** no report

**B. Parks & Rec** Young reported that she had spoken to Terri Hager on April 15 and went over the new park design and handicap parking stall location with her. Young stated that Hager told her she had no problem with the parking stall being in the alley and that she tries to keep that area open anyway. Young stated Hager stated that it 'makes perfect sense'. Young reported that she spoke to Hager about holding a 'Burger Bash' or some fundraiser together to get people excited about the new park. Young also reported that she received an email from Andrew that day and was advised to get the park equipment ordered soon due to production being pushed back from COVID-19. She stated the total cost for only the equipment is \$46,596.10. She wanted to run that by the board. Oppliger stated that most of that was covered last month already but was glad Andrew reached out. Young reported that she is working with Bill Shepherd on USDA grants or 0% interest loans. She is meeting with Andrea Larsen from NENeED to discuss grant funding as well. Oppliger stated that we need more emphasis on grants and wondered if the Village should get a 'grant-writer'. He stated he believed it would be an asset to contract with one to help find grants for any and everything.

**C. Planning & Zoning** Stempek reported that there was not much to tell for the annual report. He stated that most of what they did was passed through the board anyway. He did state that they are currently going over the P&Z book to update it since it was made in 2009. Other than that, he stated there really isn't anything else to report on that the board doesn't know.

- D. Clerk Report** Evans reported that she is closer in getting the radio read started. She is awaiting a new quote from Municipal Supply to make sure there aren't any changes to the cost or equipment. Evans stated that we have been transferring to this for the entire time she has been here...5 years. Reves stated this transfer started 7 years ago when they bought all new meters for every house. Evans explained that Reves' app on his phone will be going away and when that does, he would have to take off all the MIU equipment he installed on every meter and order and place the old equipment back on just to read meters manually again. Evans reported that it will be converted as soon as we get the equipment ordered. She stated she will be adding two new apps to the billing software that she will have to train on as well as train on the new equipment that will be used with the billing software.
- E. Treasurer Report & Updates—Approval of Bills** Laska was absent. However, she left Evans a note. Evans read the concern that Laska had about the contribution and the benefits from contributing/donating to the NENeED every year. The statement of benefits was emailed to the board members for their viewing prior to the meeting. Evans stated that we could use them a lot more and need to, in order to get the most benefit from our contribution. She stated that they help towns grow by giving low-interest loans and grants for new businesses and other things. A motion to approve the bills was made by Young, second—Dahlberg. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek was absent. 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, June 8<sup>th</sup>, 2020 at 7:00 PM.** Being no other business, adjournment was made by Oppliger at 8:04 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)