

VILLAGE OF DUNCAN BOARD MEETING

October 14th, 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, Paige Young, Kayla Humlicek, Josh Dahlberg and Joe Boruch. Also, in attendance, were Village Staff: Marianna Evans. There were no guests present at this time so Oppliger continued with the approval of the meeting minutes. A motion was made to approve the minutes from the September 9, 2019 board meeting by Dahlberg, second—Humlicek. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. A motion was made to approve the minutes from the September 16, 2019 board meeting/public hearing by Dahlberg, second—Boruch. Vote was as follows: voting aye—Young, Oppliger, Dahlberg and Boruch. Voting nay—none. Humlicek abstained due to being absent at that meeting. The Chairman carried the motion.

Old Business:

- A. **Drainage Ditch Update** Oppliger stated that he had spoken with Dush and Reves. They assured him that Bob Hinze was working on the plate to apply to the grate as approved. He was told that Dush, Reves and Hinze are currently working on it and will communicate to complete. Oppliger stated that the manhole is accessible now as Reves had removed the dirt from the cover.
- B. **JEO Contract for Park Upgrade** Oppliger asked the board if everyone had gotten the email from Evans today with the revised contract from JEO. The board acknowledged they received the contract and have looked it over. Oppliger stated that the contract included \$5k for completion of the main park and \$1,200 for only surveying the ballfield and basketball park. A motion to approve the JEO contract as written was made by Dahlberg, second—Young. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.

New Business:

- A. **Proposed R19-234** Evans explained that this resolution must be passed due to the new laws put in place for the 1 & 6 year Road Plan that has been spoken about in previous meetings. She stated that it basically is stating that the Village of Duncan is following all the rules for the 1 & 6 Year Road Plan in order to receive the monies from that fund. Young read the resolution and a motion was made to pass R19-234 by Young, second—Dahlberg. Vote was as follows: voting aye—Humlicek, Young, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.
- B. **Proposed Well Usage Request** Oppliger stated that Ron Stock had requested to be on tonight's agenda to request using his well water to spray off equipment. It is noted that Stock is not present at this meeting and no one had any communication with him in regards to his attendance. Oppliger quickly reminded the board that Stock is not in compliance with our ordinances by using the well that way as well as not having given the Village a copy of his state registration of his well as requested of him and stated in our ordinance. Oppliger stated that if we start approving other uses than what is in our ordinance (watering grass/geothermal), then we could start to blur the lines. He stated that he would suggest not granting any request of his well usage at least until he is in compliance with our ordinances. No further discussion on this subject.
- C. **Proposed Addition of Fire Extinguisher/First Aid Kit for Village Vehicle** Oppliger stated that in talking with Reves one day, he discovered that there are no extinguishers or first aid kits in any of the Village vehicles. Oppliger stated he believe it to be in good practice to have fire extinguishers and first aid kits in all Village vehicles including the tractor and lawn mower. Oppliger stated that Dahlberg will take the lead on getting the extinguishers through the Duncan Fire Department. Oppliger suggested we get the first aid kits anywhere however, he highly suggested that they are Ansie certified. He stated that Reves will need to sign off on each extinguisher each month to keep them in good condition. Dahlberg stated that the extinguishers will need to be certified first and then yearly afterwards. The board decided that an extinguisher should be placed in the truck, tractor, lawn mower, shop and water treatment office. Dahlberg stated that there should be one at the ballfield in or near the concession stand as well since they are using it more now and grilling etc. The board agreed. As well as a first aid kit. Oppliger stated he would let Dahlberg and Reves work out the details on the extinguishers and first aid kits. Oppliger asked about the yearly inspections on extinguishers. Evans reported that the yearly inspection for the only extinguisher we have was just recently done. She stated that the company comes out and does ours and the bar's at the same time.
- D. **Lien Investigation** Oppliger stated that he believed this was the problem with the Pavel property lien that we just dealt with. The property was foreclosed on when Pavel bought it, so the lien was not obligated to be paid. Once he hired a realty company to sell the home, the title search showed the old lien still on the property. Oppliger believes that our lien on the 803 6th street property will be the same. He stated that since it was foreclosed on and not paid, that the lien will stay on the property until it is sold and then will be paid. Evans reported that she had done research and spoken with several other clerks from other towns about this matter. She had found that if a property is foreclosed on, all liens, except tax liens, are no longer valid and that if we wanted payment, we would have needed to file a judgement prior to the sheriff sale. She stated that other towns also have bid and won the properties in order to sell them to gain back some of their money. Evans stated that the only notice was the posting in the yard and in the paper. The Village did not receive any other

notice. Oppliger stated that we need to have some sort of process in place when we have properties that have liens on them get foreclosed on. Humlicek announced that she will recuse herself as a board member due to the conflict of interest in that she was the person who bid and bought the property at sheriff sale. Speaking as a citizen only, Humlicek stated that she had spoken to the bank that owned the taxes to see if they would sell to her. She stated she was denied and the next day the sign was in the yard for the sheriff sale. She stated that she had spoken to two different attorneys on the responsibility of the lien and they both had differing opinions of whether the lien was still valid. Oppliger asked Evans how much the lien was. Evans stated that the lien was near \$5k however, in the last meeting with the Humliceks, the board had decided to forgive half of the lien pending their work with the tax lien holders reducing their lien. Evans stated that was the last decision by the board before the sheriff sale etc. Oppliger asked the board if there should be some sort of time limit on when they lien should be paid off. Humlicek stated that she would not be writing a check for the lien until she finds out whether or not she is legally responsible for it or not. Oppliger stated that the board will need to be careful with this situation so that it doesn't appear that they are showing favoritism to a board member. He stated that the other abatement property that we have a lien on was voted to forgive due to the fact that the property was going to have a house/duplex built on it and it would bring revenue to the town. Oppliger asked Humlicek what she planned to do with the vacant lot. She stated that they had talked about putting a shop/garage up but that they would most likely not doing anything for at least the next three years or so. Oppliger stated that at this point, he suggested leaving the lien open with the half forgiven until we talk to an attorney and find out how we move forward with this situation and how to deal with these situations in the future. Oppliger then stated that he does believe that even just having someone maintain the property is better than nothing.

E. Board Compensation Review Oppliger postponed this item to the October 16th, 2019 meeting due to Laska's absence.

F. Water/Maintenance Employee Christmas Bonus Oppliger postponed this item to the October 16th, 2019 meeting due to Laska's absence.

Departmental Reports:

A. Utilities Reves was absent so no report; Oppliger stated he had a water shut off today that was turned back on this evening after payment was made by check. Reves had called Oppliger stating that we usually only accept cash at this point and Oppliger approved the check stating that we will shut off the water if the check bounces.

B. Parks & Rec Young stated that the church is looking for playground equipment to put on the north side of the church between the outfield of the ball diamond and the church hall. She stated that she would like to take any equipment that is salvageable from the current parks and move it to their suggested spot during our upgrade. She stated that she had spoken to Andrew about this and he is certified to know whether a piece of equipment would be worthy of reuse. She stated that she had spoken to Reves about putting a gate near that area. She would like to take the swingset down that is currently at the ballfield and move it over there as well. She reported that they would otherwise only need ground cover to be compliant. Oppliger stated that the board and the church council should coordinate and communicate with each other on our efforts with the ball field. He stated that he realizes with all the new jobs and how busy Reves is already, that we may need to look at hiring a part time maintenance worker to help.

C. Planning & Zoning Dahlberg stated there is another house going up on the west end of town right next to the new one. The new one is not sold yet and Young stated that she believed the only thing needing completed in it was the countertops. Oppliger stated that the duplex is completed on 5th street as well and one unit is now rented out. The owner is looking to build another duplex or a house on the lot right next to the current duplex as well. Young asked if the Village had anything that they send new citizens. Evans stated that a welcome packet has been talked about several times in the past but nothing has ever been made. Oppliger asked if the Village website lists providers for new customers. Evans stated that the website does list providers for cable, gas, water, garbage etc. Evans agreed with Young that a welcome packet would be nice to give to newcomers. Young stated that she is happy with how well the Village facebook page is doing. She stated that she has seen many positive comments on activities shared that are happening in Duncan. She stated that her posts are shared a lot.

D. Clerk Report Evans reported that the previously discussed 'Community Development Plan' will be put in a 3 ring binder and kept in the office. She reminded the board that this was the plan that was emailed to all villages due to new law. She inquired about it to the League of Municipalities and the answer given was that our Village may not ever use it since we do not do TIF projects however, it will be here if we ever do.

E. Treasurer Report & Updates—Approval of Bills Oppliger postponed this item to the October 16th, 2019 meeting due to Laska's absence.

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 special meeting will be held on **Monday, October 16, 2019 at 7:00 PM**. Being no other business, adjournment was made by Oppliger at 7:42 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)