**VILLAGE OF DUNCAN BOARD MEETING/PUBLIC HEARING**

**October 8th, 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**:**00 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, Chris Staroscik, Paige Young, Josh Dahlberg and Joe Boruch. Also, in attendance, were Village Staff: Don Reves , Mari Evans and Stephanie Laska. Visitors included: Michelle/Jeff Oppliger. Schaefer publicly asked if there was anything that visitors/staff/board members wanted to talk about that is not on the agenda. No comments were made. Schaefer proceeded with the meeting*. A motion to approve the September 10, 2018 Board Meeting Minutes was made by Young, second—Staroscik*. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.*

**Unfinished Business:**

1. **803 6th Street Request to Forgive Lien** Schaefer reported there was not any new information on this subject as the couple requesting the forgiveness have not heard back from the other lien holder and their negotiations. We will wait until they have contacted us again with new information before adding to any agenda.
2. **624 5th Street Abatement Update** Evans reported that Emerson (Village attorney) had found a name and address for an estate attorney. He advised her to send a notice to him by certified mail. She stated that she had sent that already. Evans stated that Emerson also advised to post a notice on the property as well as have the sheriff serve the notice to the inhabitants of the property. Evans explained that Emerson has had experience in these matters and that ‘Due Process’ is the most important thing that judges look at in these situations. She stated that Emerson advised that the Village should do everything they can to make sure the owners and inhabitants are notified of everything that is going on with this process. The Village must do everything they can to attempt notification of every step. Evans reported that Emerson cited supreme court rulings as well as a case he is working on currently where he is representing the home owners of a home that was torn down. He advised the Village that he would also like to have a title search done of the property due to the confusion of the deed and who actually is entitled to the property. Once these steps are completed, he advised that the Village have company names and dates of the actual abatement (clean up/tear down) written in a notice with an invitation, given to all parties involved, to the board meeting that will discuss these steps. Schaefer stated that there are two contractors waiting to hear from us to go in and tear down the structures and clean the property up. Young reported that after she spoke with Rennovation Innovation (company who had been purchasing the taxes on the property), they had decided to withhold payment on the second half of 2017’s taxes due. They were unaware that the property was in as bad a shape as it was and that it was currently in an abatement process. Schaefer reported to the board that he had personally spoken with Emerson and given permission to do the title search ($120). Reves has volunteered to post the notice on the property. Evans showed the board that she had blown up the notice and printed it on hot pink paper, as well has put each page in a sealed, clear envelope with which Reves will nail to a steel post on the property where it can be seen easily. Reves stated that he may wait until the sheriff goes to serve the notice, in order to be safe and post on the property without any altercations with the inhabitants. The board discussed briefly and agreed to follow the advice of the Village attorney.
3. **NDEQ (Nebraska Department of Environmental Quality)-Notice of Violation Update** Schaefer reported that he, Reves and Boruch are going with Emerson to the scheduled meeting in Lincoln between them and NDEQ and the attorney general. Schaefer stated he had spoken with Emerson and was advised to talk with Mr. Lehr about the situation and see how willing he is in helping fix the situation to NDEQ standards. Reves reported that he had Obrist come out and they are currently working on a quote for 2 different options that may work to bring it up to NDEQ standards. He stated one option is cheaper and he feels would work just as well as the more expensive option. He stated that he researched and found where the right of way is for those properties and there would be enough room to dig and not disturb the actual properties. Schaefer stated they will take all this information to the meeting and discuss with NDEQ and attorney general and see if they approve of it. The board discussed the possibility of Mr. Lehr not cooperating and Schaefer stated that we would then have to complete it and try to recoup the cost from Mr. Lehr. Emerson has given a few ideas on how to do that as well. Evans asked about the NDEQ notice of violation where it stated that we needed to have engineer plans and if we would have to hire an engineer. Reves stated that Obrist would be the contractor working on it and they have their own engineer now. He stated that if we had to hire the Village engineer to come out and work on this, it would cost as much for the engineer as it would for the entire project. Schaefer stated that they will also discuss this at the meeting with NDEQ and attorney general. Schaefer, Reves and Boruch will report on the outcome of their meeting at the next board meeting.
4. **Street Project Incomplete (Fine or Not Fine)** Reves reported that although the street project for 6th street and south Main Avenue have been done since July, the company (Pavers) had stated they would be back to finish the concrete work, manholes and fix the entrances to driveways on Main Avenue. They have not returned. Reves stated they had said they would be back after Labor Day and never showed up or called. Then, he called the engineer (Dale—JEO) and was told that Dale was having trouble getting ahold of Pavers as well. Reves talked to Nathan Boone – JEO and was reminded of the fine in our contract which stated that the Village could fine Pavers $250/day after the contracted completion date of August 15th. Reves told Dale of this and Dale did talk to Pavers and they were supposed to come out again on a certain day and never showed up or called again. Reves stated that the manholes are important to finish due to the fact that, at this time, he is unable to get into the sewer line if there were a sewer back up on 6th street. Evans also reported that she is getting complaints from the customers that live off of Main Avenue due to the bump they have to drive over on the street to get to their driveways. It was also noticed by several people how messy the job was left with large chunks of asphalt laying around etc. It was noted that per the contract, the Village is supposed to communicate to Pavers through our JEO engineer only. We will have to go through JEO to get notice to Pavers. The board discussed and decided that fining Pavers may be necessary to get the job completed. They have not been paid the final ten thousand of the project cost due to the job not being complete. *A motion was made to have Reves call Tyler Hevlin at JEO tomorrow and have Evans send an email to both Nathan Boone and Dale at JEO tomorrow, notifying them that we will envoke the fine of $250/day from the contract date if Pavers do not complete the job by October 19th, by Young, second—Boruch.* *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.*

**New Business:**

1. **Board Compensation Review** Schaefer stated that the board members’ compensation had not been raised since he has been on the board. When asked, Boruch, who has been on the board for many years, stated that he could not recall there ever being a raise. Laska reported that each board member currently receives $45/meeting and the Chairperson receives $60/meeting. The board discussed briefly and decided that there would need to be some research on what other towns, similar to Duncan, pay their board members and Chairperson. Evans stated that she would call around and try to find out. Schaefer postponed the Board Compensation Review until next month’s meeting pending further research

**Departmental Reports:**

1. **Utilities/Maintenance/Streets** Reves reported that they are working on the manhole/street behind the fire station currently. He stated that they will get concrete poured once weather permits. He reported that Mike Lucas from NRWA (Nebraska Rural Water Assoc) had asked Reves if the Village of Duncan would be willing to host a ‘lagoon learning session’ for surrounding towns. Reves reported to the board that due to the size of our town and having a lagoon, it is not state mandated to be certified in any sewer/lagoon licenses. Which means that he (and others from similar towns) do not have to do any continuing education on the matter. Reves stated that Lucas had previously talked to him about doing some sort of learning session for those who are in similar situations. Reves had agreed and told Lucas that the Village would host the session. Reves stated that it would most likely be scheduled for next fall and he would update the board when it gets closer.
2. **Parks & Recreation** no report
3. **Planning & Zoning**  Reves reported that one of the two basements for the new homes on 8th street, is going to be poured soon. As reported previously, there 2 new homes to be built next to the west park, where the previous house was removed. Reves reported that there was an appropriate lot split done and proper application for water/sewer hook up.
4. **Clerk** no report
5. **Treasurer Report** Laska handed out a monthly recap to each board member. She reported that the bills were not unusual. She pointed out the she did put the prior street loan pay off on this month’s bills as requested by the board. Schaefer asked when the ebill/epay will begin. Evans reported that she and Laska are working on getting all the accounts set up in the program and hopefully should become active next month. After the board reviewed all the bills, *a motion to approve the bills to be paid made by Young, second—Staroscik.* *Vote was as follows: voting aye-Staroscik, Young, Schaefer Dahlberg and Boruch. 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 scheduled meeting will be held on **Monday**, **November 12, 2018 at 7:00 PM.** Being no other business, adjournment was made by Schaefer at 8:15p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)