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

**September 10th, 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**:**06 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, Dave and Kimberly Merrill, Kayla Humlicek, Ron Stock and Ashka and Seth Gurley*.* 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 August 13, 2018 Board Meeting Minutes was made by Dahlberg, second—Young*. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.* *A motion was made to approve the minutes from the Special Board Meeting on August 16, 2018 after striking the 2nd motion in the first paragraph (copy/paste typo), by Dahlberg, second—Young.* *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 reminded the board that the total lien amount is $4,917.11. Young asked Humlicek if she had gotten any further with the bank that owns the taxes (’06-’09), with forgiving their lien. Humlicek presented to the microphone and stated that she did speak with US Bank and they went down to $2500 from $2900. However, she stated that they reported to her that if the Village forgives or partially forgives their lien, they may come down even further. Humlicek stated that the contact from the bank she spoke with did not know that all the structures on the property had been removed. Humlicek also stated that she and her husband did not want to go over $7,000 in purchasing this property. She stated that right now, the taxes owed are $3500 plus the bank lien of $2500 plus our lien of $4900 would put them way over their budget. She stated she also has attorney fees to add on to that total. The board discussed the risks and benefits of forgiving the lien even partially. Humlicek stated that their plan is to put up a shop on the property, after combining the lot with theirs. She also stated there is a tree on the property that needs to be taken down and they are willing to do that if they purchase it. Schaefer reminded the board that the property has been sitting empty for 3 years now and we are still having to mow it when a neighbor does not. Humlicek stated that the property is assessed at $5,625. Young asked Humlicek if it would help them for the board to decrease the lien to $2,000. Humlicek added up all the debt again and it would still put them over their budget. Young asked if we could take the lien down to 2k, pending Humlicek’s purchasing of it. Schaefer stated he did not think that would be fair for anyone else who may be interested in purchasing it. He stated that if the board does not forgive the lien, that it will be a total loss to the Village because no one will want to pay all the debt off in order to purchase an empty lot. Staroscik stated that it is a total loss right now if we do nothing. Schaefer suggested dropping the lien down to $2k and see what Humliceks find out from US Bank and their negotiations with their lien. Humlicek stated that she thought that was fair and agreed. *A motion to decrease the lien on 803 6th Street from $4917.11 to $2,000 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.*
2. **624 5th Street Abatement Update** Schaefer reported that the Village Board of Health met and declared the property a nuisance as well as uninhabitable. Evans reported that abatement notices have been sent out and we are waiting to receive either the return receipt that they picked it up, or the letters back. So far we have received 2 return receipts (one from the attorney Hrouda and other from Grafton/Fernau). She explained that certified mail stays in the post office for 15 days before coming back. The customer has to sign for the piece and if they do not do that, it does not get delivered and therefore the entire envelope and contents is returned. She explained that once we receive all of the notices or return receipts back, we can move forward in the abatement process. The 5 day timeframe for a written request for an appeal hearing will have been up by the time we get them all back. It is expired for the 2 return receipts we have already received. Then we will have the notice posted on the property as well as published in the Columbus Telegram. After 5 days from posting, we can proceed with removing the garbage and structures. Young stated that the same people are still staying there and they have young kids in there. There were a few comments from the audience who live nearby that confirm there are children there. Young reported that there is now an estate attorney handling the estate. Evans reported that one of the notices she sent was sent to ‘The Schrant Estate’. So, the attorney should have received the notice. It was addressed to Mr. Schrant’s home address and should have been forwarded to the attorney. The board discussed the procedure for removing the people staying there prior to tearing down the property. After discussion, it was determined that the Board’s best choice would be to follow our attorney’s advice when it comes to that point. Young reported she spoke with Rennovation Innovation (own the taxes on the property and may foreclose early next year). She stated that they purchased $3,708.29 and have just sent in the first half of 2017 payment. After the contact heard that the property is under abatement procedure and is dilapidated, they reported to Young that they may put a hold on that payment for 2017 taxes. Some discussion was had about the different possibilities with the property however, Schaefer reminded everyone that we need to get through sending notices first before we do anything else. Boruch asked if we could hang ‘Condemned’ signs on the property since the Board of Health deemed it uninhabitable. No answer was known. Evans stated she would ask the Village attorney about that. Boruch stated maybe the family would leave if we did that.
3. **NDEQ (Nebraska Department of Environmental Quality)-Notice of Violation Update** Schaefer reported that Emerson had spoken with the attorney general and is setting up a meeting between NDEQ, the Attorney General and the Village. It will be for a time during the first few weeks in October. Schaefer stated he would be going as well as Reves and he invited one more board member if they would like to go. Boruch stated that he would like to go. Schaefer stated he is available anytime to go meet in Lincoln. Boruch and Reves stated their schedules were open as well. Evans stated she would let Emerson know that tomorrow.

**New Business:**

1. **Open Public Hearing for 2018-19 Budget at 7:32pm per Schaefer** Schaefer read the title to R18-223.
2. **Open Public Hearing for Conditional Use Permit (Ron Stock) at 7:32pm per Schaefer** Schaefer asked Reves (Zoning Administrator) if he had proof of publication for the public hearing. Reves presented the affidavit to the board and stated the date it was published in the Telegram. Schaefer assured that Stock was present at the meeting. Reves reported that the Planning & Zoning Committee are recommending the conditional use permit be issued to Stock for the purpose of putting up storage sheds. Schaefer then stated the board could officially act on this matter. Stock presented to the microphone and stated where and what size of storage units he would build. He stated that he would still market Uncle Shaky’s to sell. He explained that the storage units would be helpful in selling the property due to the income they would provide to whomever purchased Uncle Shaky’s. He also stated that if the property did not sell 2-3 years down the road, that he may use the building as climate controlled storage units. Reves brought to the board’s attention that in the ordinance, it states that the conditional use permit would be transferrable upon selling the property. He asked the board if they would want to change that in order to require the purchaser to reapply for their own conditional use permit or not. The board agreed to let the permit be transferable upon selling. Schaefer asked the board and the room if there were anymore comments for or against the approval of the permit. No further comments were made. *A motion to approve the conditional use permit at 28398 158th Street (Uncle Shaky’s) was made by Dahlberg, second—Boruch.* *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.*
3. **Close Public Hearing for Conditional Use Permit (Ron Stock) at 7:39pm per Schaefer.**
4. **Open Public Hearing for R18-199 (P&Z Ordinance Amendment) at 7:39pm per Schaefer. Schaefer read the title to R18-199.** Schaefer stated that this change would make the accessory building sidewall height maximum 14 feet instead of 10 feet. This was discussed last month as well. Schaefer reminded the board that the original suggestion was 16 feet but the board decided that was too much and went to 14 feet. Schaefer asked the board and the public if anyone had any concerns or comments on the matter. No comments were noted.
5. **Close Public Hearing for R18-199 at 7:41pm per Schaefer** Schaefer read the entire R18-199. *A motion to change the sidewall height of accessory buildings from 10 feet to 14 feet was made by Young, second—Dahlberg*. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.*  Schaefer read the entire R18-199 one last time.
6. **Proposed 5th Avenue Ditch** Schaefer reported that this subject was brought up last month by Boruch but not discussed and was added to this agenda for discussion and possible vote. Schaefer stated he did not think there was much room on the west side for a ditch. Boruch stated that Kathy Slusarski (owner of road) would like the road built up and to put a culvert in. Schaefer stated that the road would have to be raised very high in order to dig a culvert under it. Reves explained that the road (5th Ave) is owned by Kathy Slusarski. He stated that the Village and she apparently have a contract dating way back, stating that the Village would maintain the road. Slusarski is not very happy with the ground up asphalt that was placed on the road for build up and drainage (last July when streets were resurfaced). Dahlberg stated that if you build it up too much it will be a ‘dike’ that would block the flow of water. Schaefer then reminded Dahlberg that there would have to be a culvert to avoid that. Boruch stated there is a very small culvert in there now however it does nothing. Schaefer stated that there is a lot of work that would need to be done in order to appease Slusarski and if the board were to decide to do that, he would like for the board to revisit the contract between the Village and Slusarski. He stated that we are losing money from these abatement properties and it is not something we can just afford to go do right now. He stated that the Village is to maintain the road, meaning snow removal, mowing the sides etc. Major work would have to be negotiated between Slusarski and the Village. Boruch stated there was no big hurry but Slusarski is worried about more new houses going up on the empty property by Oppliger’s and what that would do to drainage issues. Reves reported that he has already spoken to the owner of that property and is aware that if he sells anymore lots for home builds, that he will have to do a subdivision and included in that is an engineer for water drainage. Boruch then stated that he would want to make sure that any new homes would not have basements. Reves stated that he believes it will not be a problem.
7. **Online Billing and Payment Options/Approval** Evans reported that we have had the new billing system for a few months and she is beginning to get more comfortable with it. As she had stated in the past, she is now inquiring about the cost of allowing online bill payments and ACH transactions for customers. She stated that it would be a new software program and the intial cost of it is $690 with a yearly cost of $208. She stated that it would allow customers to create an account online where they could see what their account balance is as well as offer them a way to pay either by credit card, debit card or bank draft. She stated there is also an option for ebills. That would allow customers to sign up to only receive an email stating their bill is due with a link to go straight to payments options. This program is $120 per year. This would save the Village on postage, printer ink, postcards and time. Evans stated that she inquired about being able to receive credit cards in office but was told that there would be fees involved with having the credit card machine etc. Evans stated that it does not happen too often when someone presents to the office to pay with a credit card. And if that does happen, she stated that she could just help them go online and set up their account and instruct them how to pay with the credit card online. Dahlberg mentioned an online program (Paytrace) that is free that allows you to accept credit/debit cards. Evans stated she would look into it. Evans stated that the new program will also allow for ACH transactions where a customer can have their monthly bill directly pulled from their checking or savings account. Evans reported that any fees associated with using a credit card to pay are all listed on the customer’s account as ‘convenience fee’ and is noted prior to the customer paying. They must approve the convenience fee before payment is accepted. That fee is 3% of the amount plus $.35. *The board discussed briefly and a motion was made to approve the online bill payment program 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.*
8. **Proposed 2018-19 Budget Resolution R18-223** Schaefer began discussion of the new budget. Laska presented to the microphone after handing each board member a copy of the full budget. She briefly went over the budget and all the new expenses added on to the new one. She reported that the cash reserve must be $152,515 and in order to do that the accountant had to add a 3% increase in operating expenses. She went over capital improvements for each department. The board was already aware of these expenses and a brief discussion was had. No one from the public had any comments or concerns or questions.
9. **Close Public Hearing for Budget 2018-19 motion made by Boruch, second—Dahlberg.** *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.* Schaefer read the entire R18-223 2018-19 Budget Title. *A motion to wave the first and second readings was made by Dahlberg, second—Boruch. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.* *A motion to adopt the 2018-19 budget R18-223 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.*
10. **Proposed R18-224 (Set Property Tax)** The property tax was discussed briefly and a *motion was made to adopt R18-224 Property Tax set at $38,380 by Dahlberg, second—Boruch.* *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.*
11. **Proposed 1% Increase in Restricted Funds** Schaefer explained the 1% increase in restricted funds to the rest of the board who stated their understanding. *A motion to approve the 1% increase in restricted funds was made by Dahlberg, second—Young*. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairman declared the motion carried.*

**Departmental Reports:**

1. **Utilities/Maintenance/Streets** Reves reported he received a letter from Sargeant Drilling about the wells efficiency tests. He reported that the older well needs rehabilitation which is on the budget for next year and will be taken care of. He stated that the newer well is running excellent. Reves stated that there is program for water tower cleaning/maintenance where you pay a sum amount for the year to this company and they perform the maintenance. If, at the end of the year, there is a refund due, they will keep it and we can use it the next time we need to have maintenance/cleaning done. Reves stated that to repaint the water tower again will likely cost $150k. Boruch commented about the possibility of sealing all the small holes that have developed in the asphalt of the newer streets of 7th and 8th street. Reves reported that he would not have the time to go and fill all the little holes in with sealer. He stated that Armor Coat would work for that but it is not feasible for him to do the job. He stated that it has to be warm outside and it takes a really long time to complete.
2. **Parks & Recreation** no report
3. **Planning & Zoning**  no report
4. **Clerk** no report
5. **Treasurer Report** Laska reported that we did receive the large Loup Power check this month. She stated that she is planning to set up a direct deposit from Loup Power in to our banking account instead of having the rep from Loup Power drive out to Duncan to hand deliver it. It was suggested by the rep to call and set something up. Laska reported the bills and handed out her report to the board members for review and initials. The board discussed the old street loan again and decided to add the total payoff to next months bills and get it paid off as was previously agreed upon. Laska agreed. 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**, **October 8, 2018 at 7:00 PM.** Being no other business, adjournment was made by Schaefer at 8:43p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)