

**VILLAGE OF DUNCAN BOARD MEETING/PUBLIC HEARING**  
**September 13<sup>th</sup>, 2021 7:00 PM – Village Hall 906 8<sup>th</sup> Street, Duncan, NE. 68634**

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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 meeting was held in the Village Hall. Board members present were Nick Wagoner, Steve Langton, Jeff Oppliger, Josh Dahlberg and Joe Boruch. Also, in attendance were, Village Staff: Don Reves, Marianna Evans and Michelle Schindel. Visitors present were: Representative from Advanced Engineering Services for Steve Lloyd—Lloyd Subdivision; Jon Mooberry (JEO); Harry Prososki. The Pledge of Allegiance was recited by all in attendance. *A motion was made to approve the minutes from last month's meeting on August 12<sup>th</sup>, 2021 by Dahlberg, second---Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.* Oppliger asked the audience if there were any non-agenda items that anyone wished to present to the board. No concerns were announced. Oppliger proceeded with the meeting and public hearings.

**Unfinished Business: Proposed NCG (Nebraska Cooperative Government) Delegate** Oppliger stated that Prososki has been our delegate, representing Duncan for the NCG. Oppliger asked Prososki if he was still interested in that position or if he was ready to retire and pass it on to someone else. Prososki stated that he is also a candidate and has been the delegate for 30 years. He stated that with being the delegate, he has a chance to vote at the annual meeting for commissioner. Oppliger stated that the board was unsure on whether Prososki was still interested so Dahlberg had looked into the position and is willing to take it over. Dahlberg confirmed that he is willing to be the NCG delegate for Duncan. Prososki stated that he would like to continue to be the delegate so that he can vote. As well as being a candidate this year. Oppliger thanked Prososki for his long service and stated that it may be time to pass it on and Dahlberg is willing to step up. He stated that the position is appointed every year and that if needed, it could be appointed differently next year. Wagoner asked Prososki how many delegates there are. Prososki replied that there are 7 from all over the state. Langton confirmed with Prososki that he indeed wanted to continue to be the delegate. Prososki confirmed that he would like to continue the position and that he has been the Vice Chair at the NCG for a few years. Langton asked if there could be 2 delegates appointed. Oppliger reported there could only be one. *A motion to appoint Harry Prososki as the delegate for the NCG (Nebraska Cooperative Government) was made by Boruch, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Boruch. Voting nay—Oppliger, Dahlberg. The Chairman carried the motion.*

**New Business: Oppliger opened the public hearings for 1 & 6 Year Road Plan and Final Plat for Lloyd Subdivision at 7:12pm.**

**2021 Street Project Pay Application #1/Change Order #1/Change Order #2/Final Pay Application #2** Mooberry presented to the microphone and confirmed that the board members have copies of the orders/reports. Each board member had a copy. He stated that all the work for the street project is complete. He reported that the contractor overran the planned amount of asphalt used. They used more than they had planned and estimated for. He stated that the asphalt depth was thicker than planned. In some areas it was planned for 3 inches and they actually used 4 inches, as determined by core samples. Mooberry reported that some areas sampled with the compaction testing, did not pass the minimum percentage as set in the contract. He reported that the minimum is 92.4% and there were two that tested around 85%. However, he stated that everything else tested over 90%. He stated that it was not extremely low and only failed testing in a couple places. Mooberry reported that there was a deduction to the total cost of the project of \$18,329.51 due to this. He stated that due to the amount of asphalt that was actually used, the contractor is asking for the Village to compensate them for the extra cost of \$18,549.03. Mooberry stated that Pay Application #1 provides the contractors with the cost amount that was planned minus the deduction of the \$18,329.51. He stated that Change Order #1 adds the extra cost of \$18,549.03. And therefore, Pay Application #2 includes that extra amount as well as the deduction. He explained to the board that the Village has no obligation to pay for the extra asphalt, however, it is a negotiating term now. Mooberry stated he needs the board to give him direction on how they would like him to go back and finalize this with the contractors. Evans asked Mooberry if instances like this are common where contractors ask for more than what was agreed on in the original contract. He stated that it does happen often and that he is not concerned with the few areas of the test failure. He stated that the contract includes a 1-year warranty and if there are any issues, JEO would notify the contractors and they would fix any issues. Oppliger asked Mooberry if we got better quality, based on the testing. Mooberry stated that the Village has the benefit of thicker asphalt which will last longer. Reves stated that his advice would be to pay the extra, if we ever want/need them back for future projects. He reported that this company did a very good job and that they also did a good job when we used them to resurface the west end of town. He stated the last company we used for 6<sup>th</sup> Street were not as good. Oppliger stated that he did not want to take a hard line with the company however he doesn't believe we should just pay without negotiation. The board discussed and agreed that they think it is fair to negotiate the extra cost. Oppliger asked Mooberry how other towns work through this. Mooberry stated that in most cases, the contractor has a number and we have a number. And usually, in these situations, they split the difference and are done. The board agreed that half was a good negotiating start. *A motion to reject Change Order #1 with negotiation revision for half the amount was made by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion. A motion to reject Pay Application #2 and approve Pay Application #1 for \$342,554.83 was made by Wagoner, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.*

**A motion to close the public hearing for the 1 & 6 Year Road Plan at 7:37pm** *was made by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.* Evans read R21-252 aloud in its entirety. *A motion to adopt R21-252 One & Six Year Road Plan was made by Dahlberg, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none. The Chairman carried the motion.*

**A motion to close the public hearing for the Final Plat Lloyd Subdivision at 7:40pm** *was made by Wagoner, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting*

nay—none. The Chairman carried the motion. *A motion to approve the final plat for the Lloyd Subdivision was made by Dahlberg, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Ordinance 21-205 Alley Vacate** Evans read Ordinance 21-205 Alley Vacate aloud in its entirety. *A motion to waive the 2<sup>nd</sup> and 3<sup>rd</sup> reading was made by Langton, second—Boruch. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. *A motion to pass Ordinance 21-205 Alley Vacate was made by Wagoner, second—Dahlberg. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion.

**Ordinance 21-206 Amend Water Rates** Evans read Ordinance 21-206 Amend Water Rates aloud in its entirety. *A motion to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings was made by Dahlberg, second—Langton. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* The Chairman carried the motion. *A motion to pass Ordinance 21-206 Amend Water Rates was made by Dahlberg, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg. Voting nay—Boruch.* The Chairman carried the motion.

#### **Departmental Reports:**

**Utilities** Reves reported that he recently found out that Frontier is going to start adding fiber optic to the interior of Duncan. He spoke directly to the project manager that will be installing the fiber. Reves believed that this would be completed very soon. He stated that a surveyor was in town today, for this project. Reves stated that he thinks they have already done Genoa and they may be working according to a plan, moving south. Oppliger asked if anyone can just come in to town and start burying lines. Evans stated that she would look into the ordinances and see if she could find anything. Oppliger stated that he thought that Frontier would have reached out to us to discuss. Oppliger asked Reves if he could get contact info for the project manager so that he could talk with them. He stated that he had been attempting to contact someone from Frontier for awhile, about painting their building etc. and he would leave voicemails and never hear back from anyone. He stated that it is known that Frontier has horrible customer service. Reves then reported that he still has not received an estimate from Obrist or Henry's on the cost of the water project. He stated that he had Mike Schultez (JEO) get some numbers back to him this week and they could start looking into grants that are available. Reves reported that these on the cost of the storm sewer by Lloyd subdivision and new line down Bumpy Road would be included in the numbers from JEO. Reves stated that he added quite a bit to the wishlist for the next budget year, however, he would like to start a plan of crack sealing a section of town each year, in order to maintain all of the new roads. Dahlberg asked Reves about the 'dip' on 6<sup>th</sup> street. Reves stated that it had been that way since the road was resurfaced. He stated that he reported to the company and that they were supposed to come out to look at it and he never heard back from them. He stated that the JEO engineer project manager had never managed an asphalt project. His experience was with concrete.

**Parks & Rec.** Boruch reported that Gary Schlesinger told him that if we would plan any improvements to any parks, that there are improvement grants available to help with the cost. Boruch reported that Schlesinger conveyed that he would help with the process if we decide to do anything. Oppliger stated that it would be good to improve the west park however, since we do not own the land for the ballfield, we would not be able to get a grant for improvements there. Oppliger stated that he was still interested in hiring a grant writer for the Village that could help us find and get grants for things like this. Reves reported that at one time, Harry Ksiazek had offered to speak with his son-in-law about helping us. His son happens to do grant work. However, at the time, the board did not feel it was needed. Reves suggested the board reach out to Mr. Ksiazek. Oppliger reported that Dahlberg had completed installing the park kiosk and that he added a solar light that shines on it at night. Dahlberg stated that he was getting ideas for a table/bench type structure for the park. He reported that the guy that built our sprinkler cage for the park stated he could customize something for us. Reves reported that he spoke to someone at the 150 celebration that was with the Honor Guard. He offered to help drill holes that our flags/poles could easily be placed in. Reves stated that we only have a couple men left who are getting up in the air to put flags out on poles. He stated that it is dangerous and this would be a lot safer and easier for the flags to be put up and taken down every year. Reves stated that most likely, new flags would be donated to Duncan.

**150<sup>th</sup> Committee Final Report** Oppliger stated that the 150 hats that were made are nice. He stated that the committee wanted to do hats however they could not agree on them. My Place decided to have some made and sell them. Oppliger stated that there were a total of 18 rifles ordered. He reported that Dallas Teply, from Duncan, had won the drawing for the rifle raffle. He reported that the celebration went well. He stated that the parking became a free for all however, he felt everything went well. He reported a better turnout on Sunday, than Saturday. Boruch recognized Joan Schlesinger did a great job decorating and setting up the Parish Hall with the memorabilia. Wagoner suggested doing a plaque or something for both Schlesingers for all of their hard work with the 150<sup>th</sup> celebration. He suggested an outstanding resident or something and would like to present to them possibly at the next meeting. The board agreed and Oppliger stated that there was a lot of work involved by a lot of people and that they all deserve recognition. Wagoner stated that he would look into the award.

**Planning & Zoning** No report.

**Clerk Report** No report.

**Treasurer Report & Updates—Approval of Bills** Schindel presented a copy of the monthly recap to each board member and presented to the microphone. She reported on the receipts and payments. Schindel stated that there are a lot of the 150<sup>th</sup> expenses on this recap however, the receipts are not all listed yet. She stated that she also will receive a reimbursement for the unused alcohol and drinks. *A motion to approve the bills as recorded for August was made by Boruch, second—Wagoner. Vote was as follows: voting aye—Wagoner, Langton, Oppliger, Dahlberg and Boruch. Voting nay—none.* 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 meeting (budget hearing) will be on **September 20<sup>th</sup>, 2021 at 7:00 PM.** Being no other business, adjournment was made by Oppliger at 8:36p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)