

VILLAGE OF DUNCAN SPECIAL BOARD MEETING
March 10th, 2021
6:00 PM – Village Hall 906 8th Street, Duncan, NE. 68634

The special board meeting of the Village of Duncan Board of Trustees was called to order at 6:01 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: Marianna Evans. Estate attorney Thomas Maul was also present.

New Business:

Oppliger stated that the Sutko Estate had received an offer on the property that the Village has first right of refusal on. Maul presented to the microphone and stated his name and address. He reminded the board of the contract that was entered into between Sutko and the Village in regards to the property where the lagoons have a pivot pumping lagoon water onto. All board members have a copy of the contract as well as other pertinent information pertaining to the agreement. They also all have copies of the offer they are to discuss. Maul stated that due to the agreement giving the Village first right of refusal, the Village will have an opportunity to purchase the land at the offered price and with the same terms, if they would like. If not, they would give up their first right of refusal. Maul stated what the offer was and who made the offer. Maul stated that the estate cannot accept the offer until the Village either offers the same or gives up their first right of refusal. He stated there are approximately 43.7 acres and would be purchased for \$4,600/acre with 10% down and other stipulations listed in the offer. Oppliger asked Maul why the offer is so much less than what the appraised value was. Maul stated that was due to the land being appraised as ‘irrigated’ land vs. dry land. However, since there is no permanent water source on the property, it cannot be considered ‘irrigated’, according to the lender. Maul also reminded the board that the first right of refusal would only pertain to this offer. Oppliger stated that based on previous discussions from the board, they were not interested in pursuing this offer. Boruch and Dahlberg agreed. Wagoner asked if the agreement goes with the sale. Evans reminded Wagoner that the agreement is transferable with sale of the property and is good until 2029. Wagoner was concerned with the Village getting in a bind upon the end of the contract. Oppliger stated that he felt the new owner would work with the Village in the future. Wagoner confirmed that he felt the Village may be ‘dropping the ball’ on this. Dahlberg reported that if the property owner negated, they would have no water to pump onto the crops on the land. He stated that there are other options for the Village if needed. Wagoner worried about the owner possibly buying the land and deciding to tear our lagoon out. Evans stated that could not legally happen. Oppliger stated that if there were red flags, our attorney would have brought them to our attention. Boruch stated that when the pivot was put in, he stated there were other farmers south that were interested in taking our lagoon water if it was piped over. Evans reminded the board to keep in mind the financial feasibility of purchasing this property right now. Langton agreed stating that we would not be able to afford with the street project we have for this summer. He suggested reviewing the matter when the contract ends. Oppliger stated he didn’t feel the board needed to be concerned with this and did not want to postpone the decision. A motion to give up the Village’s First Right of Refusal on the current offer for the Sutko Property was made by Dahlberg, second—Boruch. Voting ‘aye’—Langton, Oppliger, Dahlberg, Boruch. Voting ‘Nay’—Wagoner. The chairman carried the motion. Maul stated to the board that the new buyer would be willing to work with the Village. No further discussion.

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, April 12, 2021 at 7:00 PM**. Being no other business, adjournment was made by Oppliger at 6:23 p.m.

Minutes recorded and submitted by: Marianna Evans (Clerk)