

VILLAGE BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 19, 2019

Chairman Peterson called the meeting to order at 6:00 PM. Board members had been given the agenda and supporting documents, and notices were posted at the Village Office, Ceresco Post Office, and CerescoBank. Peterson pointed out the Open Meeting Law Act posted on the wall in the Board Chambers. Answering roll call: Peterson, Hartshorn, Custer, Rupe and Wilson. Also present: Kyle McGrew, Chad Vogel, Neil Johnson, Dennis Schulz, Craig Swanson, Shawn Manion, Steve Anderson, Jim Kenney, Brian Roland and Joan Lindgren.

Rupe moved to approve the October 15 minutes as presented. Custer seconded. Voting Yes: Rupe, Custer, Wilson and Peterson. Abstain: Hartshorn. No: none. Motion carried.

Rupe moved to approve the November 5 minutes as presented. Wilson seconded. Voting Yes: Rupe, Wilson, Custer, Hartshorn and Peterson. No: none. Motion carried.

Peterson reviewed the chicken farm was appealed. The Lancaster County Board approved the appeal, and the chicken farm was denied.

Personnel Policies were tabled until the whole Board can review.

Dennis Schulz stated to get a final detailed bid and financing for the new meters, he recommends a motion authorizing the Village's financial information to be provided to DataTech. **Peterson moved to approve DataTech to go out for bids for approval. Rupe seconded. Voting Yes: Peterson, Rupe, Wilson, Custer and Hartshorn. No: none. Motion carried.**

Roland reviewed issues at the wwtp with the skada and blower. When the oil was changed in the blower, there were some metal pieces. HOA will be coming to inspect. The Librarian wants to use the blue car, but it is not in good operating condition. The Board agreed to have the car repaired, and driven more often to keep it in working condition. The Librarian will be paid mileage for her training. Roland asked about purchasing a truck load of salt, since we cannot get it in smaller quantities. The Board agreed to go ahead and purchase a truck load of salt and put it on tarps. The 1972 dump truck isn't working. It has electrical issues. Culvert cleaning was discussed for 420 S 4th, 404 S 4th, and 224 W Beech along 3rd Street.

A request from the elementary school for the town to give a snow removal bid was reviewed. The Board agreed to try to help find someone to do the work, and if no one is found, the town can help out for a fee.

The Board agreed to have Christmas lights placed on the businesses as has been done in the past.

Testing for iron and manganese as Ken Halvorsen suggested was discussed. The Board agreed to test each well and several areas in town.

Anderson shared the police report and noted tickets and warnings are being issued for speeding.

Kenney reviewed the building inspector report. Kenney shared concerns of the new driveway slope at 404 S 4th Street. Roland reviewed there is every different condition with the driveways along 4th Street. The crown in the road is not the same. Hartshorn noted that at some point we need to make sure the driveways are designed right to keep the water in the ditches. The culvert under the new driveway is the correct size, but needs to be cleaned out. Kenney reviewed there was no request for an inspection prior to the pouring, and when he arrived on site the concrete crew said they were pouring in 20 minutes. Kyle McGrew, the contractor, was present and said he didn't know he was supposed to call for an inspection on anything that tied into the city street. He said he doesn't have to call for an inspection in Lincoln and was in the wrong on that. He said he took a hose and ran water down the driveway and has a video to show. The farthest it came on the road was 8". McGrew also said it is tilted to the north. Roland noted the shut off needs to be fixed. The Board asked Kenney to look at the videos. Discussion held. Peterson noted when he drove by it looked like the driveway was tilted to the south.

Kenney noted there is sidewalk on existing properties on each side of 404 S 4th Street and asked what the

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Village Ordinances are on sidewalks. Hartshorn noted on new construction there definitely has to be sidewalk put in, unless the homeowner comes to the Board and the Board agrees no sidewalk. Hartshorn read Section 9-302 from the Ordinance book: "Buildings or structures to which additions, alterations or repairs are made shall comply with all of the requirements for new buildings or structures when such additions, alterations or repairs, within any 12-month period, exceed 50% of the square footage of the main floor of the existing building or structure." The Board agreed that with the new attached garage, alterations and repairs the residence would need to construct a sidewalk. Swanson said they have plans to construct a sidewalk anyway, but because of cost it could be in 2 years. Swanson and his wife will prepare a sidewalk agreement to present to the Board.

Hartshorn moved to approve the Treasurer's Report as presented. Rupe seconded. Voting Yes: Hartshorn, Rupe, Wilson, Custer and Peterson. No: none. Motion carried.

Claims were reviewed. **Rupe moved to approve the claims as presented, with the additional claim sheet provided. Wilson seconded. Voting Yes: Rupe, Wilson, Custer, Hartshorn and Peterson. No: None. Motion carried.** The approved claims are as follows: A-Team Pest Control \$60.00/pest control; AFLAC \$649.08/ins; American Legion Post 344 \$37.50/prk; Ameritas Life \$51.78/ins; Aqua-Chem \$252.60/wat; Blue Cross & Blue Shield \$3,198.88/health ins; Blue Valley Public Safety \$2,630.28/civil def; Bromm, Lindahl \$125.00/gen; Card Services \$750.12/st; Cash \$91.98/gen, st, prk, sew; Ceresco 60+ \$66.00/reimbursement; Baker & Taylor \$182.58/lib; Bomgaars \$182.76/st; Delta Dental \$228.65/ins; DHHS Licensure Unit \$115.00/wat; First Bankcard \$79.06/st, prk, lib; First Wireless \$85.35/fire; Frontier Coop \$1,528.12; Fud & Tracy's Plumbing \$264.75/gen; Helena \$336.00/prk; Hydro Optimization \$5,041.00/sew; Interstate All Battery \$28.80/pol; Jackson Services \$218.07/uniforms & mats; JEO \$2,727.50/st; Midwest Laboratories \$125.55/sew; Momar \$199.96/sew; Mumm Heating \$148.75/gen; Municipal Supply of Omaha \$195.68/wat; Nebraska Department of Revenue \$1,805.94/wat; Nebraska Public Health Environmental Lab \$15.00/wat; Olsson, Inc \$65.86/st; OPPD \$5,623.94/electricity; Paul Gooding \$150.00/gen; Prague Insurance \$2,508.00/ins; Sam's Club \$126.68/lib, pol, gen; Sandy Tvrdy \$215.00/gen; Schwarz Paper \$169.56/Gen; U.S. Post Office \$195.00/postage; USA Blue Book \$242.31/sew; Utility Service Co \$3,213.90/wat; Verizon Wireless \$164.89/phones; Wahoo Concrete \$963.00/st; Wahoo/Waverly Adv \$190.15/gen; Wahoo Auto Parts \$22.78/pol; Waste Connections \$5,220.80/trash; Windstream \$395.15/phones; Payroll Liabilities: American Funds Investment \$517.04; United States Treasury \$4,072.34; Nebraska Department of Revenue \$789.13; Nebraska Department of Labor \$72.64; Other Payroll Liabilities \$727.40; Payroll \$20,403.53

Shawn Manion was present to review her plans to sublease a portion of Garibaldi's to open a bar and grill. She would have a separate liquor license. She would like the Board's blessing before spending money to apply for a liquor license. Discussion held. The Board's consensus was to support Manion in her plans.

Peterson recessed the meeting at 7:20 PM so he and Hartshorn could view the video of the water running down the driveway at 404 S 4th Street.

Peterson reconvened the meeting at 7:29 PM from him and Hartshorn watching the video of the water running down the driveway at 404 S 4th Street.

Hartshorn noted that based on the video the driveway at 404 S 4th Street is not sloped or pitched to the north. Peterson noted once the water gets to the street, then it goes to the north. It was discussed that the water needs to start running off the driveway before it hits the road. Based on the video, the water isn't running off until it hits the road. When there is rain, the water will most likely go over the road. Hartshorn and Peterson agreed that the driveway doesn't meet the criteria the Board had requested of Craig Swanson at the October 1st meeting. Discussed was having about a six inch grate put in the driveway or a small trench.

The Board agreed the driveway is not acceptable and it needs to be changed so the water doesn't go out on the street. Kinney will contact the contractor and/or homeowner to discuss options to keep the water off the street.

Rupe moved to accept the Library Report as presented for September and October. Wilson seconded. Voting Yes: Rupe, Wilson, Custer, Hartshorn and Peterson. No: none. Motion carried.
Rupe will follow-up with Maxson regarding the rental reimbursement for Gooding.

Rupe moved to approve the Fire Department minutes as presented for November. Custer seconded. Voting Yes: Rupe, Custer, Wilson, Hartshorn and Peterson. No: none. Motion carried.

Compost site issues were discussed. The Board agreed to have a new sign placed at the compost site.

Rupe will reach out to April Otto and Richard Novak to schedule another meeting for the CYRA Agreement.

The clerk reviewed that Michael Oehm has requested to rent the ballfield one night a week for baseball practice. Discussion held. Rupe and Peterson will meet with Otto and Novak to review an agreement for ballfield use. Concerns of other teams coming to play on the Ceresco field without permission was mentioned.

Hartshorn reviewed that phase 1 with CRA International is complete for \$10,000, which should be covered by insurance. They now want to do a phase 2 which will cost between \$16,000 and \$20,000. The insurance company has already been contacted regarding phase 2 coverage.

Hartshorn noted the Village has Windows 7 machines that will need to be upgraded in January 2020. Updates will no longer be covered after that time. Hartshorn will prepare costs to replace the computers. Hartshorn recommends waiting to the next budget year before replacing the server.

The clerk reviewed she will be gone on Tuesday and Wednesday.

WHEREUPON, the Chair announced that the introduction of ordinances was now in order.

Ordinance 2019-8 on building regulations was tabled until further information is obtained to include amendments.

Ordinance 2019-9 was introduced by Board Member Rupe and is set forth in full as follows, to wit: AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO AMEND CHAPTER 6 – PUBLIC WAYS AND PROPERTY, AND IN PARTICULAR, ARTICLE 4 – PENAL PROVISION, BY RENUMBERING SAID ARTICLE TO ARTICLE 5 AND TO SUBSTITUTE IN ARTICLE 4 FRANCHISES; TO PROVIDE THAT THE CHAIR OF THE BOARD OF TRUSTEES AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF CERESCO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF CERESCO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA.

WHEREAS, Chapter 6 of the Municipal Code of the Village of Ceresco, Nebraska, pertains to the Public Ways and Property of the Village of Ceresco, Nebraska, and,

WHEREAS, the Board of Trustees of the Village of Ceresco, has granted a franchise to Zito Midwest, LLC, a Delaware limited liability company, for it to furnish to the citizens of the Village of Ceresco, Nebraska, internet service, cable television, and telephone services, and,

WHEREAS, there does not exist within the Municipal Code of the Village of Ceresco, Nebraska, an enabling ordinance of the Village of Ceresco, Nebraska, providing for the implementation of said franchise, and,

WHEREAS, it is the desire of the Board of Trustees of the Village of Ceresco, Nebraska, that there be said enabling ordinance added to the Municipal Code of the Village of Ceresco, Nebraska, and,

WHEREAS, the Board of Trustees of the Village of Ceresco, Nebraska, deems it to be in the best interest in the citizens of the Village of Ceresco, Nebraska, that Article 4 of Chapter 6 of the Municipal Code of the Village of Ceresco, Nebraska, be renamed Franchises and that the existing Article 4 of Chapter 6 of the Municipal Code of the Village of Ceresco, Nebraska, be moved to a new Article 5 – Penal Provision,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CERESCO, NEBRASKA, AS FOLLOWS:

Section 1. That the findings herein and above made should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

Section 2. That Article 4 of Chapter 6 of the Municipal Code of the Village of Ceresco, Nebraska, shall be amended to read as follows:

Article 4-5 – Penal Provision

SECTION 6-4-501: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

Section 3. That there be created a new Article 4 – Franchises of Chapter 6 of the Municipal Code of the Village of Ceresco, Nebraska, to read as follows:

Article 4 – Franchises

Section 6-4-01: Franchises: Corporate Limits/Annexation

The Village shall provide to each of its franchisees a map with the Village's corporate limits indicated thereon. The map shall be of sufficient detail to assist the franchisee's in determining whether their customers reside within the Village's corporate limits. The map shall serve as the sole basis for determining franchisee's obligation hereunder to collect and pay the franchise fee from customers; provided, however, that if the Village's corporate limits are changed by annexation or otherwise, it shall be the Village's sole responsibility to (a) update the map so that such changes are included therein, and (b) provide the updated map to the franchisees. A franchisee's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later: (a) of sixty (60) days after such franchisee's receipt from the Village of an updated map including such annexed area, or (b) such time after such franchisee's receipt from the Village of an updated map including such annexed area as is reasonably necessary for such franchisee to identify the customers in the annexed area obligated to pay the franchise fee.

Section 6-402: Franchises: Internet, Cable Television, and Telephone Services

The Governing Body has granted to Zito Midwest, LLC, a Delaware limited liability company, the authority to maintain and operate a non-exclusive internet, cable television, and telephone services within the Village for the purpose of furnishing said services to the citizens of the Village. Actual details of the agreement and the franchise fee are available for inspection at the Village Clerk's office.

Section 4. That the Chair of the Board of Trustees and the appropriate Department, whether one or more, of the Village of Ceresco, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 5. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 6. That should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Board of Trustees of the Village of Ceresco, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 7. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval either in pamphlet form or by posting in three (3) public places in the Village of Ceresco, Nebraska, and shall be in full force and take effect on the fifteenth (15th) day from and after its passage, approval, and publication, as provided herein.

Section 8. That it is the intention of the Board of Trustees of the Village of Ceresco, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code of the Village of Ceresco, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

WHEREUPON, Board Member Rupe moved that said Ordinance 2019-9 be approved on its first reading and its title agreed to. Board Member Wilson seconded this motion. Yeas: Rupe, Wilson, Custer and Peterson. Nays: Hartshorn.

WHEREUPON, the Chair declared said Ordinance 2019-9 approved on its first reading and its title agreed to and that the second reading of Ordinance 2019-9 be on the next Agenda of a meeting of the Board of Trustees.

An updated bid from Ty's Outdoor Power for a new Ventrac mower was reviewed. Discussion held. Wilson moved to purchase the new Ventrac mower from Ty's Outdoor Power for \$29,948.25. Peterson seconded. Voting Yes: Wilson, Peterson, Hartshorn, Custer and Rupe. No: none. Motion carried.

The 1972 dump truck was discussed. Hartshorn will check the dump truck over.

The Community Wildfire Protection Plan was reviewed. Wilson volunteered to participate for the Village Board.

Peterson shared concerns of a resident spending a lot of time with maintenance employees. Safety is a concern. Custer will contact the resident. A letter will be sent if the resident doesn't comply.

Peterson moved to adjourn at 8:25 PM. Wilson seconded. Voting Yes: Peterson, Wilson, Rupe, Custer and Hartshorn. No: none. Motion carried.

Scott Peterson, Chairman
Joan Lindgren, Clerk

