

VILLAGE BOARD OF TRUSTEES  
REGULAR MEETING  
JULY 21, 2020

**Peterson called the meeting to order at 6:00 PM in the Community Room. 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 of the Community Room. Answering roll call: Peterson, Hartshorn, Custer and Rupe. Absent: Wilson.** Also present: Jim and Martha Hunter, Julie Ogden, Krista Zobel, Steve Anderson, Gary Swanson, Randy Bower, Chilton Leedom, Debbie and Mike Limberg, Donna Basler, Ryan Cain, Krystal Hall, Howard Hutchison, Lynn Maxson, Brian Roland and Joan Lindgren.

**Hartshorn moved to approve the June 16, 2020 minutes as presented. Rupe seconded. Voting Yes: Hartshorn, Rupe, Custer and Peterson. Voting No: None. Motion carried.**

**Hartshorn moved to approve the June 30, 2020 minutes as presented. Hartshorn withdrew his motion since he wasn't at the meeting.**

**Rupe moved to approve the June 30, 2020 minutes as presented. Custer seconded. Voting Yes: Rupe, Custer and Peterson. Abstain: Hartshorn. Voting No: None. Motion carried.**

Julie Ogden was present to review the two remaining items to be reviewed before the Subdivision Agreement can be approved.

1. Clarification of OPPD. A meeting was held last Friday with OPPD and a draft agreement was given to the Hunters for the electrical service connection for underground lines to each lot, no overhead. The cost is \$1,350.00 per lot, with 21 lots, for a total of \$28,350.00. The Hunters will need to decide if they will build the electrical cost into each lot price, or if they are looking for cost participation by the Village.
2. Covenants. Zobel noted that Jim Hunter met with the Village attorney today.

Zobel asked who is responsible for the four (4) street lights. The Village is responsible for the monthly cost of the street lights. The initial street light costs are included in the \$1,350.00 cost.

Jim Hunter stated if there is any help from the Village they would not turn it down.

Hartshorn questioned what has been done in the past. Lindgren stated she talked to Dennis Johnson and he paid all the development costs, however, there were no intersections with the Johnson Subdivision on South 3<sup>rd</sup>.

Ogden noted it would be good sometime in the next 6 months to think about how to proceed with future developments. What the developer will be required to do, and what the Village would be willing to help participate in. The master fee schedule updates that were started will also need to be completed. Discussion held.

Sharing in the general obligation intersection costs was discussed. Ogden estimated the intersection cost at \$25,000.00. Ogden and Lindgren will research Subdivision costs paid by other communities and fees charged to the developer and/or builder.

Zobel said dirt work is expected to start any day. Utilities are expected to start in September.

**Rupe moved to table the Hunter Addition Subdivision Agreement until the August meeting. Hartshorn seconded. Voting Yes: Rupe, Hartshorn, Custer and Peterson. No: none. Motion carried.**

Lindgren reviewed the past due utility bill on the agenda is caught up and is paid in full.

Brian reviewed 1) The batting cage net is up. 2) Problems at the wwtp with wipes, again. 3) Electrical outage on Saturday caused problems at the wwtp with the unbalanced 3 phase electricity, which causes the motors not to run. 4) A residential water pipe broke on Sunday and needed the water shut off.

A Scope of Services from Olsson for the two bridges was reviewed.

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**Hartshorn moved to enter into the Scope of Services contract with Olsson not to exceed \$2,500.00 for bridge repair. Peterson seconded. Voting Yes: Hartshorn, Peterson, Custer and Rupe. No: none. Motion carried.**

Pictures of cracks in Main Street from Patty Loyd who lives at 712 W Spruce were reviewed. Roland reviewed she said their house shakes when big trucks and semi's drive on Main Street. Bower has inspected and noted there are large cracks in the asphalt and when the trucks drive over it the ground can shake. Discussion held. When Olsson comes to look at the bridges, they will be asked to check Main Street.

Emails from the attorney and insurance agent regarding reimbursement of Roland's health insurance were reviewed. Discussion held.

**Rupe moved to amend the Employee Benefits portion of the Personnel Policies as presented. Custer seconded. Voting Yes: Rupe, Custer, Hartshorn and Peterson. No: none. Motion carried.**

The group dental and vision insurance was reviewed. There is no change in premium. **Rupe moved to approve the cost of the group dental and vision insurance. Custer seconded. Voting Yes: Rupe, Custer, Hartshorn and Peterson. No: none. Motion carried.**

Roland reviewed the new radios have been received.

Maxson reviewed it is raining in the Scout Hall serving door. Discussion held. Bids will be requested.

The women's restroom in the Community Building was discussed. Bids will be requested.

Roland reviewed UTV and bobcat bids will be requested.

Custer asked if the basketball hoops will be put up.

Anderson reviewed the Police Report. Officer Leedom, Ryan Cain, Gary Swanson, Randy Bower, Debbie and Mike Limberg, Donna Basler and Howard Hutchison were present regarding barking dogs. Leedom reviewed his investigation regarding a barking dog complaint at 504 S 4<sup>th</sup> Street. The owner of the dogs is Ryan Cain. Gary Swanson who lives at 324 Pine made the initial complaint. There is no fine or waiver schedule, so it would go to the Village attorney and become a civil case. Swanson contacted the County Sheriff. Leedom has been in contact with the County Sheriff and County Attorney regarding the matter. The County Attorney indicated he would not file on the disturbance. Leedom met with Cain and Swanson on the 16<sup>th</sup>, and also with the five (5) closest neighbors. Responses from those neighbors contacted were 1) South neighbor - didn't have a problem. They hear the dogs, but the dogs only bark in the day time. 2) Southeast neighbor - Sometimes the dogs bark, but its daytime. It's occasionally irritating, but he doesn't want to complain. 3) East neighbor - He's never heard the dogs bark. 4) North neighbor - The dogs bark, but it isn't a problem because they have dogs that bark, too. 5) West neighbor, who is the closest - They said it's not a problem. Anderson said he drives that way and he hasn't heard the dogs bark. The Police Officers have been asked to drive by and monitor. Custer noted she walks that way a lot and every once in a while hears the dogs. Cain said his dogs will bark at people when they pass by. He said when they moved in there were squirrels in a tree in the back yard, but they took the tree down earlier this year. Cain noted he felt the need to purchase security cameras. He took the day off, and when he was outside with the dogs for two hours, the dogs barked twice. He feels at this point it is harassment. Hartshorn stated he has a dog that barks when people pass by, and noted there is a cat in the neighborhood. Bower stated that Hartshorn's dog barks a lot. Bower said some people don't care about the dogs barking and some people do. Bower said he would like to see some teeth put into the Ordinance, so the Cops can do something. Swanson stated from 7:47 this morning to 8:18 this morning the dogs barked constant. Leedom noted there are no elements of crime, even if the Village had a fine schedule. Leedom said there is no evidence. No one has come forward with a video camera proving the dogs are barking. Custer noted that we are a small town and we should all try to get along. Discussion held. Howard Hutchison said his wife says the dogs bark in the morning, but he is usually in the basement. Hutchison noted when Cain first moved here it was horrible, but he must have it under control because he never hears them bark. Bower said if you own a dog and leave it set

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outside to bark, you don't deserve to own a dog. You should treat your dog better than that. Discussion held. Donna Basler stated she has a dog behind her house that's barked for a year. She came and got a form, but nothing has happened, it is still barking. Discussion held. Leedom suggested that Village's our size be contacted for ordinances. Bower noted since the meeting the other day, he has hardly heard the dogs. Rupe said we will get ordinances from other Village's to see what they do. Rupe wanted to clarify if you had a meeting four (4) days ago, and it has gotten better, do we feel like it's getting better that its improved? Swanson said it's getting a little better. Rupe suggested Swanson take video for evidence. Peterson noted even if we do change the ordinance, if the Police do not find evidence, they can't do anything about it.

Randy Bower was present to review the Building Inspector report. Main Street and the house that shakes was discussed. **Hartshorn moved to approve the Building Inspector report as presented. Peterson seconded. Voting Yes: Hartshorn, Peterson, Custer and Rupe. No: none. Motion carried.**

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

**Hartshorn moved to approve the claims to JEO for \$2,426.25. Custer seconded. Voting Yes: Hartshorn, Custer and Peterson. No: none. Abstain: Rupe. Motion carried.**

Claims were reviewed. **Rupe moved to approve the claims with the additional claims presented. Hartshorn seconded. Voting Yes: Rupe, Hartshorn, Custer and Peterson. No: none. Motion carried.** The approved claims are as follows: A-1 Flags \$492.00/prk; AFLAC \$268.92/ins; Ameritas Life \$24.35/ins; Aqua-Chem \$106.30/wat; Baker & Taylor \$88.65/lib; Biblionix \$900.00/lib; Bomgaars \$434.42/st, sew; Bromm, Lindahl ET AL \$667.00/gen; Brian Roland \$417.00/ins; Card Services \$26.99/pol; Cash \$97.97/st, gen, sew; Ceresco American Legion \$60.00/prk; Cummins Sales and Service \$2,360.00/sew; Delta Dental \$130.00/ins; Electric Pump \$4,193.00/lib; Fastenal \$15.61/st; First Bankcard \$56.58/gen, lib; Frontier Coop \$716.32/fuel; Grainger \$339.00/st; Helena \$31.75/prk; Husker Lock \$13.50/prk; Jackson Services \$129.37/uniforms & mats; Kiner \$149.75/prk; Kriha Fluid Power \$58.49/st; Luke Rustermier \$40.00/lib; Menards \$194.73/st, prk, lib; Midwest Laboratories \$138.08/sew; Municipal Supply \$1,914.33/wat, prk; Nebraska Department of Revenue \$3,387.50/tax; Nebraska Public Health Environmental \$267.00/wat; One Call Concepts \$26.89/wat, sew; OPPD \$4,331.02/electric; Otte Oil \$464.58/sew; Progressive Electric \$499.03/sew; Sam's Club \$565.14/lib, gen, prk; Sandy Tvrdy \$215.00/gen; Schumacher Irrigation \$230.05/prk; Shaffer Communications \$734.80/prk, st; Simons Home Store \$84.79/prk, gen, sew, st; Small Engine Specialists \$527.76/prk, st; Sunbelt Rentals \$1,236.29/st, prk; Sweet Pea \$52.68/sew, prk, gen, st; U.S. Post Office \$195.00/gen; Verizon \$166.18/phones; Wahoo Auto Parts \$52.29/park; Waste Connections \$5,348.63/trash; Windstream \$404.88/phones; Payroll Liabilities: American Funds \$549.32; United States Treasury \$4,931.00; Payroll \$18,493.42

Maxson reviewed the Tree Board has submitted a grant for 10 trees. Plans are to place several trees on the south side of Elm Street, near the welcome sign, and at the park. They will also talk to the Co-op to place native grass next to the metal building. Maxson also questioned the number of people that can be on the Tree Board. Discussion held.

**Peterson moved to approve the Library Report as presented. Rupe seconded. Voting Yes: Peterson, Rupe, Custer, and Hartshorn. No: none. Motion carried.**

Custer said the contracts and waiver forms for the teams were signed. Custer also noted there was miscommunication on the park bathrooms. Rupe and Custer had agreed to open the park bathrooms for weekends and special events. Sandy Tvrdy is cleaning the park bathrooms and opening them. She is locking on Sundays nights. Peterson noted the confusion was on no information being passed, since he is on the Maintenance Subcommittee. Signs noting when the bathrooms are open will be posted.

**Rupe moved to approve the Fire Department Report. Hartshorn seconded. Voting Yes: Rupe, Hartshorn, Custer and Peterson. No: none. Motion carried.**

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Peterson reviewed the Personnel Policy Subcommittee of Wilson and himself have not met. Peterson has asked Wilson to contact him when he is available. Discussion held.

**Hartshorn moved to recreate the Personnel Policy Subcommittee with Wilson and Custer. Custer seconded. Voting yes: Hartshorn, Custer, Rupe and Peterson. No: none. Motion carried.**

Hartshorn reviewed he has started the office antivirus install. He plans to start with a 30-day trial. Estimated cost is under \$500.00 for five (5) computers.

**Rupe moved to approve the purchase of the antivirus software up to an amount of \$500.00. Peterson seconded. Voting Yes: Rupe, Peterson, Custer and Hartshorn. No: none. Motion carried.**

Lindgren reviewed JEO will apply for the 2020 Water Security Grant to help pay for new maps.

The Board set Tuesday, August 4<sup>th</sup> at 5:00 pm for their budget workshop, and Monday, August 24<sup>th</sup> at 5:30 pm for their budget meeting with the accountant. The budget hearing will be at the regular meeting on Tuesday, September 15<sup>th</sup>.

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

**Ordinance 2020-6 was introduced by Chairman Peterson and is set forth in full as follows, to wit: AN ORDINANCE TO AMEND THE HEALTH INSURANCE BENEFITS AVAILABLE TO CERTAIN EMPLOYEES OF THE VILLAGE OF CERESCO, NEBRASKA: TO PROVIDE FOR THE EFFECTIVE DATE HEREOF AND TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH:**

**BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF CERESCO, NEBRASKA:**

**Section 1. Pursuant to Ceresco Municipal Code Section 1-105 the following wages and salaries are hereby established to take effect July 21, 2020:**

<u>POSITION</u>	<u>WAGES OR SALARY</u>
Clerk/Treasurer	\$ <u>23.80</u> Per Hour
Maintenance Supervisor/Water-Sewer Operator	\$ <u>23.60</u> Per Hour
Streets and Parks Maintenance Worker	\$ <u>18.50</u> Per Hour
Police Chief	\$ <u>21.80</u> Per Hour
Assistant Police Chief	\$ <u>20.40</u> Per Hour
Police Officer less than 6 months of employment	\$ <u>18.90</u> Per Hour
Police Officer more than 6 months of employment	\$ <u>19.40</u> Per Hour
Building Inspector	\$ <u>15.00</u> Per Inspection \$ <u>130.00</u> Monthly Salary
Assistant Building Inspector	\$ <u>15.00</u> Per Inspection
Zoning Administrator	\$ <u>0.00</u> Per Month
Head Librarian	\$ <u>16.35</u> Per Hour

Assistant Librarian	\$ <u>11.10</u> Per Hour
Library Assistant	\$ <u>10.00</u> Per Hour
Office Assistant	\$ <u>13.85</u> Per Hour
Maintenance Worker II less than 1 year of employment	\$ <u>12.25</u> Per Hour
Maintenance Worker II more than 1 year of employment	\$ <u>13.10</u> Per Hour

Section 2. Full-time personnel shall be offered ~~Health & Hospitalization~~, Dental and Vision insurance with the Village paying 100% of the employee's premium and 50% of the premium for eligible spouses and dependents. Full-time qualifying personnel shall be eligible for reimbursement for a privately-sourced health insurance plan equal to 1.3 times the actual monthly premium paid by the employee, up to a maximum of \$542.10 per month (\$417.00 x 1.3). Reimbursement by the Village for health insurance premiums is subject to tax withholdings. Full-time employees shall be granted the following holiday leave: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, day after Thanksgiving, four (4) hours for Christmas Eve, Christmas Day, and four (4) hours for New Year's Eve. Full-time qualifying personnel shall be granted retirement benefits as follows: If qualified employees choose to defer a minimum of 3% of their earnings into a Simple IRA account, the Village shall contribute a maximum of 3% of the employee's earnings into that account as well.

Section 3. The Board of Trustees has the authority to award a merit pay increase to employees as they determine.

Section 4. That all Ordinances or parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, and in conflict herewith, are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as provided by law.

Board Member Rupe moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Chairman Peterson seconded said motion. The Chair put the question and instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion to suspend the rules: Yeas: Rupe, Peterson, Custer and Hartshorn. Nays: none.

WHEREUPON, the motion having been carried by affirmative votes of no less than three-fourths (3/4ths) of the total members of the Board, the Chair declared the statutory rules in regard to the passage and approval of ordinances be suspended so that Ordinance 2020-6 might be read by title and then moved for final passage at the same meeting.

Board Member Rupe moved that said Ordinance 2020-6 be approved and passed as presented, an Ordinance to provide for a health insurance reimbursement, and its title agreed to. Chairman Peterson seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion: Yeas: Rupe, Peterson, Custer and Hartshorn. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2020-6 of the Village of Ceresco, Saunders County, Nebraska having been read by title, the rules having been suspended, and having been duly approved and its title agreed to by the affirmative vote of no less than a majority of the members of the Board, duly

passed and adopted as an Ordinance of the Village of Ceresco, Nebraska, and the Chair subscribed her name thereto, and the Clerk attested said signature of the Chair by subscribing her name thereto and affixing thereon the seal of the Village of Ceresco, Nebraska. The Chair then instructed the Clerk to publish Ordinance 2020-6 in the manner required by law, within fifteen (15) days after its passage.

**Ordinance 2020-5 now comes on for third reading: AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ARTICLE 1, CHAPTER 2, OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA, PERTAINING TO THE MEMBERSHIP OF THE BOARD OF HEALTH; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF CERESCO, NEBRASKA, ARE HEREBY AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID;**

WHEREUPON, Board Member Rupe moved that said Ordinance 2020-5 be approved by its third reading and its title agreed to. Chairman Peterson seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Rupe, Peterson, Custer and Hartshorn. Nays: none.

WHEREUPON, the Chair declared that a majority of the members of the Board having voted in the affirmative for the passage and approval of said Ordinance No. 2020-5, the Chair declared Ordinance No. 2020-5 to have been duly passed and adopted as an Ordinance of the Village of Ceresco, Saunders County, Nebraska, and the Chair subscribed his name thereto, and the Clerk attested said signature of the Chair by subscribing her name thereto and affixing thereon the seal of the Village of Ceresco, Nebraska. The Chair then instructed the Clerk to publish Ordinance No. 2020-5 in the manner required by law, within fifteen (15) days after passage.

**Ordinance 2020-4 now comes on for third reading: AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN REAL ESTATE BY PURCHASE OR GIFT OR EMINENT DOMAIN FOR THE PURPOSE OF INSTALLING THEREON UNDERGROUND SANITARY SEWER MAINS.**

WHEREUPON, Board Member Hartshorn moved that said Ordinance 2020-4 be approved by its third reading and its title agreed to. Board Member Rupe seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Hartshorn, Rupe, Custer and Peterson. Nays: none.

WHEREUPON, the Chair declared that a majority of the members of the Board having voted in the affirmative for the passage and approval of said Ordinance No. 2020-4, the Chair declared Ordinance No. 2020-4 to have been duly passed and adopted as an Ordinance of the Village of Ceresco, Saunders County, Nebraska, and the Chair subscribed his name thereto, and the Clerk attested said signature of the Chair by subscribing her name thereto and affixing thereon the seal of the Village of Ceresco, Nebraska. The Chair then instructed the Clerk to publish Ordinance No. 2020-4 in the manner required by law, within fifteen (15) days after passage.

Peterson appointed the Chairman, Scott Peterson, the Police Chief, Steve Anderson, and Frank Coughlin, MD to the Health Board. Approving the appointment was Hartshorn, Rupe, Custer and Peterson.

Rupe moved to approve Kona Ice to be on public property for the concert at the park on July 23<sup>rd</sup>. Hartshorn seconded. Voting Yes: Rupe, Hartshorn, Custer and Peterson. No: none. Motion carried.

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**Custer moved to waive the \$10 peddler permit fee for Kona Ice. Rupe seconded. Voting Yes: Custer, Rupe and Peterson. No: Hartshorn. Motion carried.**

Custer reviewed she will be writing a grant for the Splash Pad from Nebraska Game and Parks.

**Peterson moved to enter executive session to discuss personnel. Rupe seconded. Peterson restated the motion is to go in to executive session to discuss personnel. Voting Yes: Peterson, Rupe, Custer and Hartshorn. No: none. Motion carried.**

**Peterson announced the purpose of the executive session is to discuss personnel, and commences at 8:19 pm.**

**Peterson resumed Regular Session at 8:27 PM from the executive session to discuss personnel.**

Custer recognized Lindgren and Jody Anderson for their work during COVID-19.

The Board agreed to create another flyer regarding the problems with disposable wipes at the WWTP.

**Peterson moved to adjourn the meeting at 8:32 PM. Hartshorn seconded. Voting Yes: Peterson, Hartshorn, Custer and Rupe. No: none. Motion carried.**

Scott Peterson, Chairman  
Joan Lindgren, Clerk