

VILLAGE BOARD OF TRUSTEES
TWO PUBLIC HEARINGS AND REGULAR MEETING
DECEMBER 19, 2023

Opening prayer by Sophia Custer.

A meeting of the Chairperson and Village Board of the Village of Ceresco, Nebraska, was held at the Ceresco Community Room in said Village on the 19th day of December, 2023 at 6:00 PM. Rupe called the Public Hearing to order at 6:00 PM. Advance notice of two Public Hearings and Regular Meeting, along with supporting documents were given to the Chairperson and all members of the Board. Notice of the meeting was given in advance thereof by posting at the Village Office, Ceresco Post Office, and CerescoBank. The Public Hearing for the Preliminary Plat was also posted in the Wahoo Newspaper. Rupe pointed out the Open Meeting Law Act posted on the wall of the Community Room. Answering roll call: Rupe, Peterson, Custer, Ruble, and Eggleston. Also present: Matt Anderson, Steven Flodman, Ruick Weyers, Erma Walter, Gary Swanson, Nancy Witters, Vicki Highstreet, Brian Suhr, Brittani Cain, Nate Burnett, Jim Hunter, Martha Hunter, Krista Zobel, Noah Chesnut, Julie Ogden, Steve Anderson, Jody Anderson, Chilton Leedom, Tony Hernandez, Bailey Nesbitt, Kim Elley, Toby Miller, Arsen Johnson, Yana Johnson, Brian Roland, Dustin Gushard, Matt Bower, Lynn Maxson, Dave Kunz, Mike Ward, Tamra York, Cheryl Pester, Lori Hutchison, Howard Hutchison, and Joan Lindgren.

The Pledge of Allegiance was recited.

Rupe moved to open the Public Hearing for the Submission of a Preliminary Plat of "Hunter Addition - 1st Addition". A parcel of land being a portion of Tract 4 located in the SW ¼ of the SE ¼ of Sec. 29, T.13N., R.7E of the 6th P.M., Saunders County, Nebraska, and more particularly described as follows:

Commencing at the SE corner of said SE ¼;

Thence on the South line of said SE ¼, S87°59'27"W, 1944.22 feet to the Point of Beginning, all bearings hereon are relative thereto;

Thence continuing on said South line, S87°59'27"W, 705.55 feet to the SW corner of said SE ¼;

Thence on the West line of said SE ¼, N01°27'22"W, 1324.98 feet to the North line of said Tract 4;

Thence on said North line, N87°57'56"E, 511.59 feet, to the West boundary of Hunter Addition as shown at Inst No 328 in the official records of the Register of Deeds of said County;

Thence on the West and North boundaries of said Hunter Addition the following six(6) courses;

S02°02'04"E, 130.00 feet;

S87°57'56"W, 35.82 feet;

S02°02'04"E, 522.89 feet;

S16°14'40"E, 119.08 feet;

S37°57'02"E, 118.99 feet;

S67°03'20"E, 129.26 feet to the North West corner of Martha Addition as shown at Inst No 340 said official records;

THENCE on the West boundary of said Martha Addition and the South prolongation of the West Boundary, S02°03'50"E, 405.94 feet to the Point Of Beginning

Containing a calculated area of 748,185 square feet or 17.18 acres more or less.

Nate Burnett with REGA Engineering was present to review the "Hunter Addition – 1st Addition" Preliminary Plat, which includes 1) 32 single family lots in R-2 zoning. 2) Two out lots. 3) He has worked extensively with Village and JEO prior to submittal, looking at how this plat fits in the overall larger concept plan, which was submitted.

4) Extending Park Street to the west. 5) Paving 4th Street going north/south. 6) Edwin would be set up for future development to the west.

Burnett reviewed key items that came up at the Planning Commission hearing 1) Safety along Main Street with kids getting from 4th Street to the elementary school, 2) Adding a curb on the north side of Main Street. 3) Adding a sidewalk on the north, which will require grading and possibly a retaining wall where the existing culvert is. Burnett needs to work with JEO on sidewalk placement. 4) Outlot B just to the west of the current addition for grading and drainage purposes, with a request to have a 10 foot pedestrian easement dedicated on the east side now, so if future development extends further north the 4 foot sidewalk could be put in later. 5) Homeowner Associations (HOA), one vs. multiple. 6) Sanitary sewer will connect from south of Main Street and be bored under Main Street. 7) Water is on the north side of Main Street. 8) Storm Sewer. 9) In compliance with the setbacks.

Burnett noted they are seeing Village's around Lincoln needing residential housing.

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Peterson questioned setbacks. Burnett said all lots are per code and the easements are all set up. Burnett noted they are not requesting any waivers to existing ordinances.

Ogden reviewed her comments **1)** The reason for the easement on Outlot B is because the block length is over the maximum block length. **2)** The Main Street curb and gutter, as well as the sidewalk, can be worked out before the final plat is submitted. **3)** Need to look at water mains, since there is also a 10 inch main on the north side of Park. The Board may want to consider creating a loop with 4th Street. **4)** Consider water demand needs for future phases, and possibly upsize the main. The Village pays the difference in upsizing. **5)** Sanitary sewer has been laid out, and there is capacity at the treatment plant for the second phase. The plant capacity needs to be monitored for future development. **6)** Recommendation of one HOA for the entire development be maintained, because of the overlapping drainage basin.

Ogden reviewed the attorney's letter regarding Section 4.19 of the Subdivision Regulations, which says the installation of sidewalks shall be completed within two years of approval of the final plat, which is a quick turnaround. The developer may be asked to request a waiver, possibly of four to five years after approval of the final plat, or three years after the Village accepts the improvements. This would be only for lots that aren't sold or not pending a house built.

Ogden noted the attorney provided an updated draft subdivision agreement for review.

Ogden said the lots meet the zoning requirements and is already rezoned. The developer will be asked to request annexation at the same time as the final plat.

Vicki Highstreet questioned **1)** Sidewalks in the first subdivision that aren't finished. Ogden will check. **2)** HOA in the original addition wants more discussion and understanding of the pros and cons of one or two HOA's. **3)** HOA wants to give the waterway back to the Village to put a park in. **4)** If placing the splash pad in this area would save money.

Rupe moved to close the Public Hearing at 6:15 PM. Ruble seconded. Voting Yeas: Rupe, Ruble, Peterson, Eggleston, and Custer. Nays: none. Motion carried.

Rupe reviewed the Planning Commission moved to approve the Preliminary Plat, with the addition of a sidewalk on the north side of Main Street.

No further discussion.

Peterson moved to approve the Preliminary Plat for the "Hunter Addition - 1st Addition" as presented, with the recommendations from the Planning Commission. Ruble seconded. Voting Yeas: Peterson, Ruble, Custer, Eggleston, and Rupe. Nays: none. Motion carried.

Rupe moved to engineer agenda items.

Ogden reviewed the water main break along Elm and asked about a replacement project due to the age of that main, before ME Collins replaces the paving. The design plans could be done over the winter. A quote could be obtained from ME Collins for the Main Replacement. Since it is a main replacement, it would have to be sent to NDEE for a permit and approval. Estimates for the project are between \$65,000 and \$85,000 to replace the main and update the valves, with an additional estimated \$25,000 for engineering costs.

Roland noted in the near future there will need to be a water main project.

Ogden noted with as dry as it is, the soil has shrunk and there are more voids.

Ogden reviewed the Main Street asphalt overlay punch list and warranty items. **5th Avenue:** She measured the street and the difference in height isn't much, but it can be felt. The joints were failing and getting a lot of water in the subgrades. It will need to be overlaid sometime in the near future (3-5 years). The contractor will come and mill the areas and try to get them as flush as he can. It is lower than what it was and could continue to settle out and end up with a dip. Generally, after a year, the asphalt is done compressing. Peterson noted there is heavy traffic on 5th Avenue. Ogden noted there are some waves, which could be from the heavy traffic. If it's more the soil settling it could continue to

move and not be from the asphalt compaction. Peterson will get back to Ogden. **Main Street:** The dips are where the joint repair patch was done, and the contractor believes the soil underneath is dry and it shrunk and the patch dropped a bit. Making it worse if the contractor tries to fix the dip was discussed. Peterson said if it was a joint repair, it failed if it is dipping and needs to be fixed again. Peterson will talk with Ogden later.

Ogden contacted the contractor who provided the bid for street sealing and his minimum to come to town is \$10,000.00. The original bid for 28 blocks north of Main was over \$50,000.00. Ogden suggested sealing the west part of town. The Board agreed to table street sealing for this year.

Ogden reviewed the Stream Stabilization bids. **1)** Nine bidders. **2)** Range from \$145,763.88 up to \$290,230.00. **3)** Estimate for project was \$223,000.00. **4)** Low bidder was Gana Trucking and Excavating, and unit prices have been checked for mistakes. **5)** John Peterson's recommendation for award is Gana Trucking and Excavating for \$145,763.88. **6)** Need to apply for the construction funding from the Lower Platte South NRD, which the LPSNRD won't act on until January 17th. **7)** Suggested to award pending approval of funding from the LPSNRD. **8)** LPSNRD is assisting with the stream portion only. **9)** LPSNRD portion is \$38,550.92.

Arsen Johnson was present to review the bid he submitted for the Stream Stabilization Project of \$102,228.00 with numerous changes.

Ogden reviewed **1)** The bids are put in the paper. **2)** Plan holders and people who want to bid are required to obtain plans & specifications from JEO electronically for \$30.00. **3)** Bidders are required to use JEO's bid forms to submit the bid. **4)** Arsen did submit a bid, and it was opened. **5)** He was not on the plan holders list nor did he use the bid form. **6)** He made multiple changes. **7)** Contractors can make notes for changes. **8)** JEO has to compare the bids based on the plans & specifications. **9)** Can negotiate with contractors after the fact to make changes. **10)** The Type C rip rap is being placed due to the speed of the water during larger flood events. Concern is Type B is smaller and can be picked up and moved by the velocity of the water. **11)** Arsen's bid was not on the bid tab because it was considered a nonresponsive bid since it wasn't used on the same bid form.

Discussion held. Rupe questioned the 50% cost share requirements from LPSNRD. Custer asked if the bids could be reopened so Arsen can do it correctly. Ogden noted all the bids would have to be rejected and readvertise. The same bidders may not bid again. Eggleston noted the Village will actually pay, with the cost share, is right at \$107,000.00. Ogden noted the contractors are required to hold their bid pricing for 60 days. Eggleston noted he and John Peterson will attend the LPSNRD meeting. Ogden noted that Gana wants to do the work over the winter or right away in the spring.

The Board agreed to table the Stream Stabilization bid award to the January meeting. Rupe asked that the LPSNRD be contacted to be placed on the agenda.

Signing documents electronically with JEO was discussed. Rupe recommended using electronic signatures. The Board agreed to electronic signatures with JEO.

Peterson moved to approve the minutes for November 21 as presented. Ruble seconded. Voting Yeas: Peterson, Ruble, Eggleston, and Rupe. Abstain: Custer. Nays: none. Motion carried.

Outdoor storage containers were discussed. Mike Ward asked if there was going to be an exemption for ag and commercial. Lindgren noted the Planning Commission will be reviewing. Gary Swanson asked about siding storage containers if a person has the land for it, made them look like a building, added bushes and it looked nice. Rupe noted zoning ordinances for permanent structures and recommended talking to the Planning Commission. Peterson noted if you have the land, it's hard to say it's ok for this person, but not this person when writing an Ordinance. Ruble agreed with Rupe, it has to fall under permanent structure requirements, since it would need a foundation.

Dave Kunz shared concerns of the time given to have his outdoor storage container removed and noted health issues. Vicki Highstreet questioned ordinance accountability and shared concerns of the Main Street entrance properties. Gary Swanson shared the property belongs to his brother and they are working on cleaning it up. Hernandez noted he is working with the property owner.

Discussion returned to Dave Kunz and the Board encouraged him to request a conditional use permit.

The storage container on the property owned by Travis and April Edwards was discussed. Lindgren pulled up her email and noted a building permit has been attached to an email just received at 6:25 PM tonight. Edwards said they will be in town next week and plan on coming in to pay for the building permit.

Steven Flodman and Matt Anderson were present to discuss and request suspending the rules for Ordinance 2023-8. Peterson noted it's not good practice for a Board to suspend the rules in the sense of making mistakes, incorrect verbiage, and past verbiage from past Boards that have missed things.

Correspondence from Dave Burklund regarding Section 8 Housing was reviewed. Tamra York was present to discuss.

Resolution 2023-13 was introduced by Chair Rupe and is set forth in full as follows, to wit: A RESOLUTION ADOPTING AND APPROVING A POLICY TO ALLOW THE USE OF SECTION 8 HOUSING CHOICE VOUCHERS IN THE VILLAGE OF CERESCO, NEBRASKA.

Whereas, there is a shortage of adequate and / or affordable housing in the Village of Ceresco, Nebraska, available to families of low income, or elderly / handicapped persons of low income at rentals they can afford; and,

Whereas, it is in the best interest of the Fremont Housing Agency and the Village of Ceresco to offer the Section 8 Housing Choice Voucher Program to residents of the Ceresco community; therefore,

BE IT RESOLVED by the Village Board of Ceresco, Nebraska:

- **The Ceresco Village Board agrees to enter into a Memorandum of Agreement for the Fremont Housing Agency Section 8 Housing Choice Voucher Program provision of vouchers in the Ceresco community.**
- **The Chairman and Ceresco Village Board considers the Fremont Housing Agency as a means of providing low-income families with rental subsidy funds in the Ceresco Community.**

WHEREUPON, Chairperson Rupe moved that said Resolution No. 2023-13 be approved. Board Member Custer seconded this motion. No further discussion was required.

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, Custer, Eggleston, Peterson, and Ruble. Nays: none.

WHEREUPON, the Chair declared that the Motion having been approved by a majority of the votes cast, said Resolution 2023-13 is approved and adopted.

Rupe noted Wendt is not interested in an agreement anymore for the street right-of-way.

Hernandez reviewed the Police Report and the new Saunders County Radio System. Discussion held.

Gary Swanson was present to discuss barking dogs. Other residents who spoke in opposition to the barking dogs were Ruick Weyers and Howard Hutchison. Brittany Cain spoke regarding the dogs, and said the dogs go out twice a day and three times on the weekend and they have limited the dogs' time outside. Cain shared concerns of harassment.

Hernandez reviewed surveillance that was done. Custer and Eggleston noted there are a lot of barking dogs. Rupe questioned how many people in this room want to pay for police officers that have to enforce barking dogs, and how many want to pay police officers to keep Ceresco safe and a nice place to live? Leedom mentioned disrupting government operations.

Erma Walter questioned when she would receive credit for watering new grass after the 3rd Street Project.

Custer moved to have Rupe approve the credits for the people that live on 3rd Street for the watering. Eggleston seconded. Voting Yeas: Custer, Eggleston, Ruble, Peterson, and Rupe. Nays: none. Motion carried.

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Roland reviewed: 1) He is doing better. 2) Fire hydrants have been replaced. 3) New temporary generator is up and running for well 6. 4) Service contract for new generator. The Board agreed to wait for the new well project generator to have a service contract for both. The temporary generator for well 6 may need to be serviced in 6 months. 5) Recent water main breaks.

Gushard reviewed: 1) Compost site pile management. PJ Hass will take it again but asked the Village to haul it to the location. Arsen Johnson said he would charge \$125 an hr. for the loader, and \$125 an hr. for the truck. Johnson will provide a bid and work with Gushard on the number of loads. 2) Tucker Maxson applied for part-time snow removal. Gushard said Maxson might be interested in other part-time work depending on the pay.

Rupe reviewed a letter from the NDEE regarding wastewater treatment plant noncompliance issues. A backup operator was discussed. The Board agreed both Gushard and Bower can attend class. Roland will research classes.

A request from Jeff and Gail Spech for street repair on Park Street was reviewed. Ogden will be contacted to look at the street and place it on the 1 & 6 Year Street Plan. Gushard will straighten the 2nd & Park Street sign.

Roland reviewed the lead and copper requirements for each house due in 2024.

Custer moved to approve the Building Inspector's Report as presented. Rupe seconded. Voting Yeas: Custer, Rupe, Eggleston, Ruble, and Peterson. Nays: none. Motion carried.

Arsen Johnson was present to request the rules be suspended for Ordinance 2023-9 and noted he has been coming to meetings since March.

The Zoning Administrator report was reviewed.

Ordinance 2023-9 now comes on for second reading. AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO AUTHORIZE PLACEMENT OF PRIVATE SEWER SERVICE LINES IN THE PUBLIC RIGHT OF WAY FOR CONNECTION TO THE PUBLIC SEWER SYSTEM AND ENTER INTO A RIGHT OF WAY AGREEMENT; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE THAT THE CLERK FILE A CERTIFIED COPY OF THIS ORDINANCE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE; TO PROVIDE THAT THE BOARD OF TRUSTEES, CLERK AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF CERESCO, NEBRASKA, SHALL BE AUTHORIZED TO IMPLEMENT THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Board Member Eggleston 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. Board Member Custer 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: Eggleston, Custer, Ruble, Peterson, and Rupe. 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 2023-9 might be read by title and then moved for final passage at the same meeting.

Board Member Eggleston moved that said Ordinance 2023-9 be approved and passed and its title agreed to as presented. Chairperson 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: Eggleston, Rupe, Custer, Ruble, and Peterson. Nays: none.

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WHEREUPON, the Chair declared said Ordinance 2023-9 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 2023-9 in the manner required by law, within fifteen (15) days after its passage.

Expense reimbursement was tabled.

Rupe moved to open the Public Hearing for Street Dedication at 8:08 PM. Eggleston seconded. Voting Yeas: Rupe, Eggleston, Custer, Ruble and Peterson. Nays: none. Motion carried.

Arsen Johnson was present for the Public Hearing and requested the Board to proceed.

Rupe moved to close the Public Hearing at 8:09 PM. Peterson seconded. Voting Yeas: Rupe, Peterson, Eggleston, Custer, and Ruble. Nays: none. Motion carried.

Ordinance 2023-10 was introduced by Chairperson Rupe and is set forth in full as follows, to wit: AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN REAL ESTATE FOR DEDICATION AS A RIGHT OF WAY AND PUBLIC STREET, SAID INTEREST BEING A FEE INTEREST THEREIN; TO PROVIDE THAT THE CHAIR 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; TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE CERESCO MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA, AND TO INSTRUCT THE CLERK TO FILE THIS ORDINANCE WITH THE COUNTY REGISTER OF DEEDS.

WHEREAS, the Village of Ceresco, Nebraska, has an interest in conducting development within its corporate boundaries and zoning jurisdiction in an orderly manner and make the streets consistent in layout; and

WHEREAS, it is in the best interest of the citizens of the Village of Ceresco, Nebraska, for the Village of Ceresco, Nebraska, to acquire a fee interest in a strip of land adjacent to the public street in order to provide a widened area for purposes of dedicating the same as a public street and right of way, and

WHEREAS, the owner of said parcel has provided a title search showing the owner has a fee simple interest in the property being conveyed, and

WHEREAS, Neb. Rev. Stat. §18-1755 provides that a Village acquiring an interest in real property by purchase shall do so by ordinance, adopted at a public hearing of the governing body of the Village after notice thereof,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF CERESCO, NEBRASKA, as follows:

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

Section 2. That it is in the best interest of the citizens of the Village of Ceresco, Nebraska, that the Village of Ceresco, Nebraska, acquire fee interest in the following real estate, by acquiring a deed to the property to wit:

LEGAL FOR RIGHT-OF-WAY DEDICATION IN VILLAGE OF CERESCO:

THE NORTH 20 FEET OF TRACT 22 LYING WEST OF THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF 4TH STREET IN THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, SAID POINT BEING THE SOUTHWEST CORNER OF TRACT 23; THENCE N00°54'52"E (ASSUMED BEARING), ON THE WEST LINE OF TRACTS 23 AND 22, A DISTANCE OF 437.54 FEET TO THE NORTHWEST CORNER OF TRACT 22, SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°53'29"E, ON THE NORTH LINE OF TRACT 22, A DISTANCE OF 397.92 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF 4TH STREET; THENCE S00°13'24"W, ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 20.00 FEET; THENCE S89°53'29"W, ON A LINE PARALLEL TO AND 20 FEET DISTANT FROM THE NORTH LINE OF TRACT 22, A DISTANCE OF 398.16 FEET TO A POINT ON THE WEST LINE OF TRACT 22; THENCE N00°54'52"E, ON THE WEST LINE OF TRACT 22, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; CONTAINING A COMPUTED AREA OF 0.18 ACRES MORE OR LESS.

Section 3. That in order to acquire a fee interest, the developer of the property south of and adjacent to the strip of land has agreed to deed said parcel to the Village without additional consideration so that it will facilitate future development of the subdivision being platted and other properties to the west and north of the parcel, and to facilitate the placement of public and private infrastructure in said right of way.

Section 4. That the parcel described above is hereby dedicated as an extension of public street and right of way within the Village of Ceresco, Saunders County, Nebraska and shall henceforth be considered a portion of 4th Street.

Section 5. 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 including the execution of all documents necessary to acquire the interest as aforementioned in the above-described real estate for consideration as deemed appropriate.

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

Section 7. 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 8. That this Ordinance shall be published in pamphlet form and shall be in full force and take effect from and after its passage and approval, provided it has been published, as aforementioned, within the first fifteen (15) days after its passage and approval.

Section 9. That this Ordinance shall not be made a part of the Ceresco Municipal Code of the Village of Ceresco, Nebraska.

Section 10. That the Clerk of the Village of Ceresco, Nebraska, be instructed to file a certified copy of this Ordinance with the Saunders County Register of Deeds within thirty (30) days after the effective date of this Ordinance.

WHEREUPON, Chairperson Rupe moved that said Ordinance 2023-10 be approved on its first reading and its title agreed to. Board Member Custer 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, Custer, Eggleston, Peterson, and Ruble. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2023-10 approved on its first reading and its title agreed to and that the second reading of Ordinance 2023-10 be on the next Agenda of a meeting of the Board of Trustees.

Peterson moved to approve the Treasurer's Reports as presented. Ruble seconded. Voting Yeas: Peterson, Ruble, Custer, Eggleston and Rupe. Nays: none. Motion carried.

Custer moved to approve the JEO claim in the amount of \$30,355.50. Eggleston seconded. Voting Yeas: Custer, Eggleston, Ruble, and Peterson. Nays: none. Abstain: Rupe. Motion carried.

Claims were reviewed. Rupe moved to approve the claims as presented with the change in Capital Concrete. Peterson seconded. Voting Yeas: Rupe, Peterson, Ruble, Eggleston, and Custer. Nays: none. Motion carried. The approved claims are as follows: A-1 Flags, Poles & Repair \$79.00; Advantage Computer \$3,500.00/wat; AFLAC \$327.12/ins; Ameritas Life \$31.44/ins; Baker & Taylor \$496.07/lib; Blue Cross and Blue Shield \$3,628.60/ins; Bomgaars \$840.47/gen; Bromm, Lindahl, ET AL \$850.00/gen; Capital Concrete \$1,395.92/wat; Card Services \$645.79/gen, lib, st, pol; Cash \$32.89/comp, st, gen, pol; Ceresco 60+ \$132.00/gen; Ceresco Volunteer Fire Dept \$360.00/fire; Delta Dental \$167.68/ins; DEMCO \$65.89/lib; Domonique Harris \$9.17/lib; FES \$500.00/gen; FNBO \$96.12/lib; Fireguard \$472.00/fire, lib, pol, gen, sew, st; Frontier Coop \$587.69/fuel; Hamilton Equipment \$182.10/prk; Husker Lock & Key \$46.75/pol, gen; Jackson Services \$155.77/gen, sew, wat, fire, prk, st; Chilton Leedom \$138.86/pol; Lovell Excavating \$6,750.00/wat; Menards \$146.88/st; Midwest Laboratories \$205.12/sew; Mumm Heating and Cooling \$209.50/gen; Municipal Supply of Omaha \$2,479.83/wat; Mutual of Omaha \$103.10/ins; Nebraska Generator Service \$1,198.00; Nebraska Public Health Environmental Lab \$68.00/wat; Nebraska Rural Water \$300.00/wat; NMC \$810.76/st; OPPD \$4,241.32/electric; Otte Oil \$640.44/fire, gen, st, lib; Pest Control \$60.00/gen; Raymond Central Post Prom \$100.00/gen; S & L Trenching \$5,450.00/wat; S & L Trenching \$34,895.00/wat; Sam's Club \$203.99/pol, gen; Sandy Tvrdy \$325.00/gen; Schutt Electrical \$240.23/gen; Shirley Fylstra \$35.70/lib; Title Services of Saunders County \$75.00/st; U.S. Post Office \$474.00/postage; Utility Services \$26,828.00/wat; Verizon \$178.65/phones; Waste Connections of NE \$5,975.70/trash; Windstream \$475.86/phones; Nebraska Department of Revenue \$1,028.70/sales tax; Payroll Liabilities: American Funds Investment \$815.54; Payroll \$15,120.45; Nebraska Department of Revenue \$655.26; United States Treasury \$3,856.30

Maxson noted the trees have been watered.

Rupe moved to approve the Library minutes as presented. Peterson seconded. Voting Yeas: Rupe, Peterson, Custer, Ruble, and Eggleston. Nays: none. Motion carried.

Custer reviewed the Splash Pad Committee met with Andrew Pennekamp from JEO and he wants to put the splash pad out for bid in January, but he looked up the agreement with JEO and Daugherty Grant and he said the bids have to run through the Village. Custer noted they will also be meeting to reorganize the Ceresco Days Association.

Eggleston moved to approve the Fire Department minutes as presented. Peterson seconded. Voting Yeas: Eggleston, Peterson, Custer, Ruble, and Rupe. Nays: none. Motion carried.

Rupe noted she has reviewed the Celebrate Ceresco bank statements.

A rough draft of the Scope and Sequence for Celebrate Ceresco was reviewed. Custer said the subcommittee will be meeting in January. Rupe commented on the purchase limit. Discussion held.

Bids to replace the lights in the community building were reviewed. Discussion held. Further clarification is needed for the January meeting.

Rupe moved to hire Tucker Maxson for part-time snow removal. Peterson seconded. Voting Yeas: Rupe, Peterson, Ruble, Eggleston, and Custer. Nays: none. Motion carried.

Eggleston noted he is waiting for available easements for the walking trail.

Comments from the attorney regarding the Interlocal Agreement with Ceresco Rural Fire District were reviewed. Discussion held. Peterson said to make sure everyone is on the same page, due to an email to our attorney that said the Board was in favor of an interlocal agreement, as far as he is concerned, they are nowhere to that point, and we're just trying to get information. Eggleston said the approval was for the subcommittee. The Board agreed it's not that they are in favor of the Interlocal Agreement, but to gather more information. The Board has never voted on that. Ruble noted the Board has never voted on anything other than creating the subcommittee and moving forward to try to find an equitable distribution of how this is going to work.

Unused vacation for Lindgren was tabled to January.

Cheryl Pester of Erickson and Brooks was present to review the draft audit. Pester reviewed the management representation letter and noted no problems during the audit. Journal entries were reviewed. The independent auditor's report was reviewed. Pester noted the net change is a decrease of \$23,464 from last year. Pester pointed out on street it looks a little different because of the BANS that were called to be actual Bonds. Paid off was \$940,000 plus \$18,000 in interest. The refunding bonds was \$1,545,000. Pester reviewed the financial statement note for bonds as of 9/30/2023 was \$1,845,000. Budget interfund transfers, commitments and contingencies, and subsequent events (new well) were reviewed. The budgetary to actual comparison was reviewed and Pester noted the street fund will look different because the street budget was amended. Reviewed was notes to supplementary information for the utility funds budget comparison, and the debt service fund exceeding appropriations by \$88, but the Village as a whole did not exceed total appropriations.

Lindgren questioned the payroll that hasn't been approved. Discussion was held about the internal audit Lindgren completed and withheld hours for volunteer time. Lindgren requested a motion to return the payroll.

Discussion was held regarding Celebrate Ceresco and Ceresco Days. Pester asked the Board to complete a checklist regarding component units for this current fiscal year.

Rupe moved to approve for the hours that were withheld from employees on payroll 11-10-2023 to be returned on payroll that is ran on 12-22-2023. Peterson seconded. Voting Yeas: Rupe, Peterson, Ruble, Eggleston, and Custer. Nays: none. Motion carried.

Ordinance 2023-8 now comes on for second reading. AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE NO. 2020-2 OF THE VILLAGE OF CERESCO, NEBRASKA, KNOWN AND CITED AS THE ZONING ORDINANCE OF THE VILLAGE OF CERESCO, NEBRASKA, BY AMENDING SECTION 5.08 R-3 HIGH DENSITY RESIDENTIAL, IN PARTICULAR SUBSECTION 5.08.05 HEIGHT AND LOT REQUIREMENTS FOR ALLEYS BY THE ADDITION OF CRITERIA TO REAR YARD ACCESSORY BUILDING SETBACKS.

Board Member Eggleston 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. Board Member Custer 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: Eggleston, Custer, Rupe and Peterson. Nays: none. Abstain: Ruble. Motion carried.

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 2023-8 might be read by title and then moved for final passage at the same meeting.

Board Member Eggleston moved that said Ordinance 2023-8 be approved and passed and its title agreed to as presented. Chairperson 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: Eggleston, Rupe, Peterson, Custer, and Ruble. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2023-8 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 2023-8 in the manner required by law, within fifteen (15) days after its passage.

Ordinance 2023-6 now comes on for third reading. AN ORDINANCE TO AMEND THE WAGES AND SALARIES OF CERTAIN OFFICERS, APPOINTEES, AND 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.

Discussion held regarding the Emergency Part-Time Backup Water/Wastewater Operator, Library Director, and Office Assistant wages.

Peterson moved to extend the meeting to 10:00 PM. Ruble seconded. Voting Yeas: Peterson, Ruble, Custer, Eggleston, and Rupe. Nays: none. Motion carried.

WHEREUPON, Board Member Peterson moved that said Ordinance 2023-6 be approved by its third reading and its title agreed to with the removal of Emergency Part-Time Backup Water/Wastewater Operator. Board Member Ruble 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: Peterson, Ruble, Eggleston, and Rupe. No: Custer. 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. 2023-6, the Chair declared Ordinance No. 2023-6 to have been duly passed and adopted as an Ordinance of the Village of Ceresco, Saunders County, 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 No. 2023-6 in the manner required by law, within fifteen (15) days after passage.

Letters from OPPD and Zito Media regarding rate increases were reviewed.

Rupe called for nominations for Chairperson.

Peterson nominated Toni Rupe for Chair.

Custer moved that nominations cease for Chair. Peterson seconded. Voting Yeas: Peterson, Custer, Eggleston, Ruble and Rupe. Nays: none. Motion carried.

Toni Rupe was announced Chairperson and continued the meeting.

Rupe called for nominations for Chair Pro Tem.

Eggleston nominated Scott Peterson for Chair Pro Tem.

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Rupe moved to cease nominations. Eggleston seconded. Voting Yeas: Eggleston, Rupe, Ruble, Peterson and Custer. Nays: none. Motion carried.

Rupe announced Scott Peterson as Chair Pro Tem.

Rupe declared a potential conflict of interest with her husband working for JEO Consulting Group.

Custer declared a potential conflict of interest with her husband working as Ceresco's Assistant Building Inspector.

Rupe moved to appoint the following:

Village Clerk/Treasurer: Joan Lindgren

Zoning Administrator: Joan Lindgren

Building Inspector and Deputy Zoning Administrator: Randy Bower

Police Chief: Tony Hernandez

Fire Chief: Tyler Heyen

Assistant Chief-Fire: Cory Storm

Assistant Chief-Rescue: Allison Baker-Storm

Village Attorney: Loren Lindahl and Maureen Freeman-Caddy

Planning Commission (3 year term 2024-2026): Keith Urbom, Mark Nelson, Ed Warholoski

Library Board: Jodi Sousek (fill vacancy through 2024), Kim Hudson and Jennifer Davison (2 year term 2024-2025)

Tree Board (3 year term 2024-2026): Lynn Maxson, Shawn Rudeen, and Adam Rupe

Peterson seconded the appointments. Voting Yeas: Rupe, Peterson, Custer, Eggleston, and Ruble. Nays: none. Motion carried.

Rupe moved to appoint the Assistant Building Inspector Brad Custer. Eggleston seconded the appointment. Voting Yeas: Rupe, Eggleston, Ruble, and Peterson. Nays: none. Abstain: Custer. Motion carried.

Rupe moved to appoint the following to the things they did last year:

Solid Waste Management: Rupe

Water Commissioner: Ruble

Sewer Commissioner: Eggleston

Streets Commissioner: Peterson

Parks Commissioner: Custer

Police Commissioner: Rupe

Custer seconded the appointments. Voting Yeas: Rupe, Custer, Eggleston, Peterson, and Ruble. Nays: none. Motion carried.

Rupe moved to maintain the current first and seconds of the Village Board of Trustees Department Liaisons:

Water: Ruble and Custer

Sewer: Eggleston and Peterson

Police: Rupe and Eggleston

Parks: Custer and Ruble

Streets: Peterson and Rupe

Eggleston seconded. Voting Yeas: Rupe, Eggleston, Custer, Peterson, and Ruble. Nays: none. Motion carried.

Rupe moved to appoint:

Board of Health: Toni Rupe, Village Chair; Hernandez, Police Chief; and Frank Coughlin, MD.

Board of Health Alternative members: Scott Peterson, Pro Tem; Chilton Leedom, Assistant Police Chief; and Arnie Lowell, Planning Commission Chair.

Peterson seconded the appointments. Voting Yeas: Rupe, Peterson, Custer, Eggleston, and Ruble. Nays: none. Motion carried.

Peterson moved to appoint Julie A. Ogden, #S-1320 Class A, from JEO Consulting Group, Inc. as the Village's Street Superintendent and JEO as the Village's Engineer. Ruble seconded. Discussion held regarding the need

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for separate motions. Voting Yeas: none. Nays: Peterson, Ruble, Custer, and Eggleston. Abstain: Rupe. Motion failed.

Peterson moved to appoint Julie A. Ogden, #S-1320 Class A, from JEO Consulting Group, Inc. as the Street Superintendent. Ruble seconded the appointment. Voting Yeas: Peterson, Ruble, Eggleston, and Custer. Nays: none. Abstain: Rupe. Motion carried.

Peterson moved to appoint JEO as the Village Engineer. Ruble seconded. Voting Yeas: Peterson, Ruble, Eggleston, and Custer. Nays: none. Abstain: Rupe. Motion carried.

Rupe moved to appoint for the Village official designated posting places: the Village Office, Post Office and CerescoBank lobby. Custer seconded. Voting Yeas: Rupe, Custer, Eggleston, Ruble, and Peterson. Nays: none. Motion carried.

Rupe moved to designate the Village depositories as CerescoBank and First Northeast Bank of Nebraska. Ruble seconded. Voting Yeas: Rupe, Ruble, Eggleston, Custer, and Peterson. Nays: none. Motion carried.

Rupe moved to designate the official newspaper as the Wahoo Newspaper. Ruble seconded. Voting Yeas: Rupe, Ruble, Eggleston, Custer, and Peterson. Nays: none. Motion carried.

Rupe moved to have the advance time of notice for Regular meetings the Friday prior to the Tuesday Regular meeting, and the advance time of notice for Special meetings at least 24 hours in advance of the Special meeting. Custer seconded. Voting Yeas: Rupe, Custer, Eggleston, Ruble, and Peterson. Nays: none. Motion carried.

Subcommittees were reviewed.

Rupe moved to approve the Subcommittees as follows:

Rupe and Peterson Maintenance

Eggleston and Ruble Technology

Rupe and Custer Community Building Rental

Custer and Eggleston Personnel Policy

Eggleston and Ruble Stream Stabilization

Peterson and Rupe Street

Eggleston and Ruble Walking Trail

Eggleston and Custer Interlocal Agreement with Ceresco Rural Fire District

Peterson seconded. Voting Yeas: Rupe, Peterson, Eggleston, Custer, and Ruble. Nays: none. Motion carried.

Wages and fulltime employment were discussed for Anderson and will be reviewed in June.

The Celebrate Ceresco bank account ownership was discussed and will be reviewed at the January meeting.

Rupe will review the checklist for the accountant.

Rupe moved to adjourn the meeting at 9:23 PM. Eggleston seconded. Voting Yeas: Rupe, Eggleston, Ruble, Peterson and Custer. Nays: none. Motion carried.

Antonia Rupe, Chair

Joan Lindgren, Clerk