

VILLAGE BOARD OF TRUSTEES  
REGULAR MEETING  
JULY 19, 2022

Opening prayer by Sophia Custer.

**Ubben called the Regular Meeting to order at 6:00 PM in the Ceresco Community Room. Board Members had been given the agenda and supporting documents. Notices were posted at the Village Office, Ceresco Post Office, and CerescoBank. Ubben pointed out the Open Meeting Law Act posted on the wall of the Community Room. Answering roll call: Ubben, Custer, Ruble and Eggleston. Absent: Rupe. Also present: Brian Roland, Dustin Gushard, Charles Sousek, Randy Bower, Brian Darveau, Tommy Hergert, Joel Larson and Joan Lindgren.**

The Pledge of Allegiance was recited.

**Eggleston moved to approve the minutes as presented for June 21, 2022 minutes. Custer seconded. Voting Yeas: Eggleston, Custer, Ruble and Ubben. Voting Nays: none. Motion carried.**

M.E. Collins plans to repair the Main Street bridge in August, along with the sewer inlet at 704 Spruce.

Mosquito spraying was discussed and will be reviewed in August. A bid from Mosquito Authority was reviewed. The Village currently has an Interlocal Agreement with Wahoo. Mosquito Authority will be asked for a bid next year.

Roland reviewed: 1) It will be another month before the return pump comes in. 2) The sewer plant itself is running great. Sample numbers look great. 3) Working on catching up on projects after ball season and Ceresco Days. 4) Rip rap was placed along the drainage ditch on the South side of 3<sup>rd</sup> & Pine. April Edwards was notified, and a notice will be placed on social media. 5) Lagoon concerns.

Ubben noted near Super C, where grading is being done (for Serge Derun), Bower brought it to their attention that a couple storm drains are plugged. It appears one hasn't been used for a long time. Arsen Johnson indicated to Ubben the leveling out of dirt should slow down the runoff. Discussion held.

Bower mentioned he is concerned with the development of the land. There is no ditch, and a driveway needs to be put in soon. Serge Derun said he would dig the ditch so the water runs correctly in front of his property. Bower would like to see it fixed now and not 5 years from now. A map from Mike Eden at First Northeast Bank of Nebraska was reviewed. Bower noted the north side water runs to the south side, putting all that water on the Bank. Bower noted the culverts at the old Barn Door and the gas station are plugged and basically nonexistent. Bower suggested putting a silt fence in front of the culvert that runs to the south side. Discussion held.

Brian Darveau from HOA was present to discuss the issue with the VFD Panel at the wastewater treatment plant. The existing cabinet is not the correct size. Ubben noted the Village has already purchased 2 drives. Discussion held. Ubben and Roland will meet a representative at the plant next week.

The radio and tower communications was discussed. Ubben and Roland will meet with a representative.

A USDA grant for the well and community building generators will be looked in to. Discussion was held and tabled.

An estimate from Cummins Sales and Service for the wastewater treatment plant generator maintenance was reviewed.

**Eggleston moved to approve the service agreement invoice from Cummins Sales and Service in the amount of \$2,310.42. Ruble seconded. Voting Yeas: Eggleston, Ruble, Custer and Ubben. Nays: None. Motion carried.**

Gushard reviewed: 1) Rip rap at 3<sup>rd</sup> & Pine was completed and is an improvement. 2) Maintenance of the water way through town was discussed. A trackhoe will need to be rented. 3) Drainage and the need for silt fencing in the Hunter Subdivision was discussed. Ogden will be contacted.

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A bid for new tiles for the main playground was reviewed and tabled. Gushard will review the installation instructions and a bid will be obtained for installation.

Custer updated the Board on the Splash Pad. A letter from Reuel Anderson with the NPDES Compliance Section was included for the Board's review. A de-chlorination of the water will likely be needed. An estimate of the de-chlorination and maintenance costs was requested.

Custer reviewed a Resolution for a Community Development Assistance Act to receive donations for the Splash Pad. Discussion held and tabled. The engineer will be asked to attend a meeting to review further.

Eggleston asked Gushard about the signs at dead-end roads. Gushard will look in to.

The Police report from Hernandez was reviewed. Custer noted a complaint regarding people living in an RV. The Police will be contacted.

The Board agreed to get quotes to repair the hail damaged Police car, as well as the wastewater treatment plant roof.

Objects in the right-of-way was tabled.

Two applications for Police Chief were received. Discussion held. The Board agreed to delegate the interviews to the Police Subcommittee of Rupe and Eggleston, and make recommendation to the Board at a meeting.

**Ruble moved to assign the interview process to the Police Subcommittee and to present their findings to the Board at a meeting. Eggleston seconded. Voting Yeas: Ruble, Eggleston, Custer and Ubben. Nays: none. Motion carried.**

Tommy Hergert and Joel Larson with Super C were present to request an addition to the store's liquor license for a beer cave. A preassembled walk-in cooler will abut to the east side of the building. The Nebraska Liquor Control Commission has already approved it.

**Custer moved to approve the addition to the liquor license for Hergert Oil Company dba Super C #9 with the addition of an indoor area approximately 16' x 13'. Ruble seconded. Voting Yeas: Custer, Ruble, Eggleston and Ubben. Nays: none. Motion carried.**

Ubben presented Tommy Hergert a certificate of appreciation.

The Police Chief job description was reviewed. The Personnel Policy Subcommittee will review.

The Building Inspector Report was reviewed.

Lindgren reviewed the Zoning Administrator Report regarding the property at 312 Pine Street. The property owners want to create an Administrative Subdivision. The Planning Commission will be reviewing at the August 1<sup>st</sup> meeting.

Eggleston noted that Gushard has removed the fence at Friendship Park.

**Custer moved to approve the Treasurer's Report as presented. Ubben seconded. Voting Yeas: Custer, Ubben, Ruble and Eggleston. Nays: none. Motion carried.**

**Eggleston moved to pay the JEO claim for \$95.00. Ruble seconded. Voting Yeas: Eggleston, Ruble, Ubben and Custer. Nays: None. Motion carried.**

Claims were reviewed. Lindgren noted the new health insurance invoice has not been received yet for payment. Ubben moved to accept the claims as presented. Ruble seconded. Voting Yeas: Ubben, Ruble, Eggleston



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and Custer. Nays: none. Motion carried. The approved claims are as follows: AFLAC \$327.12/ins; Ameritas Life \$31.44/ins; Aqua-Chem \$131.66/wat; Baker & Taylor \$102.48/lib; Biblionix \$800.00/lib; Bromm, Lindahl, ET AL \$62.00/gen; Capital Arborist \$280.00/prk; Cash \$23.78/sew, gen, st; Ceresco 60+ \$104.00/gen; City of Wahoo \$800.00/gen; Delta Dental \$170.65/ins; Dennis Trucking \$1,901.90/st; Don's Pioneer Uniforms \$27.85/pol; Eakes \$129.12/gen, prk; First National Bank of Omaha \$26.09/lib; Frontier Coop \$2,457.70/fuel; Hydro Optimization & Automation Solutions \$1,901.66/wat; Jackson Services \$140.82/gen, sew, wat, fire, prk, st; Johnson Services \$3,574.76/sew; Kiner Supply \$202.04/prk; Lincoln Journal Star \$68.40/gen; Menards \$467.37/st, lib, gen, prk; Midwest Labs \$208.07/sew; Mumm Heating and Cooling \$798.73/lib, gen; Municipal Supply \$3,128.80/wat; Municipal Supply of Omaha \$1,643.27/wat; Nebraska Public Health Environmental Lab \$15.00/wat; One Call Concepts \$73.32/wat, sew; OPPD \$4,787.85/electric; Pest Solution 365 \$60.00/gen; Sam's Club \$472.43/lib; Sandy Trvdy \$425.00/gen; Simons Home Store \$99.99/st; Small Engine Specialists \$324.81/prk; Ty's Outdoor Power \$428.10/prk; U.S. Post Office \$264.00/wat, sew; Verizon \$178.77/phones; Verne Simmonds Company \$1,495.00/sew; Wahoo-Waverly-Ashland Newspaper \$253.69; Waste Connections of NE \$6,636.92/trash; Windstream \$405.74/phones; Zee Medical \$56.70/st, gen, sew; Payroll Liabilities: American Funds Investment \$582.22; United States Treasury \$4,971.24; Payroll \$18,157.90

A bid from Capital Arborist Tree Service to remove and trim trees was reviewed.

Ruble moved to approve the estimate in the sum of \$5,130.00 to remove and trim the trees down at the park. Eggleston seconded. Voting Yeas: Ruble, Eggleston, Custer and Ubben. Nays: none. Motion carried.

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

Custer reviewed the CYRA is requesting a bigger shed. They are also purchasing a new scoreboard with help from the two banks. Lindgren noted the \$500 for the agreement hasn't been paid yet. Discussion held.

The EMT reimbursement form was reviewed. Discussion held. Ruble will inform the Fire Department to get EMT information to the Village office.

Eggleston moved to approve the Fire Department minutes for June, 2022 as presented. Custer seconded. Voting Yeas: Eggleston, Custer, Ubben and Ruble. Nays: none. Motion carried.

Ruble noted the Fire Department has a new treasurer.

Forestry grant, stream stabilization and street projects were mentioned.

Ubben reviewed he set up the portable air conditioner at Scout Hall for the Methodist Church during Ceresco Days. He also installed a new light sensor on the south picnic shelter exterior light, new light-sensing, exterior light at Scout Hall prior to Ceresco Days. The metal benches were used for Ceresco Days. The automatic gate hasn't been repaired yet.

Lindgren reviewed 1) Vacation planned August 2<sup>nd</sup> - 4<sup>th</sup>. 2) Concerns of the golf cart/UTV/ATV/LSV licensing fees designation. The money is currently in the General Fund. The Board noted the licensing is required to make sure insurance is carried, and cover expenses. 3) A new restaurant in town. 4) Request for the town to work with property owners to improve appearance of the two east entrances. 5) Deadline for Board vacancy filing of August 1<sup>st</sup>.

Ruble moved to approve Erickson & Brooks to come in for budgeting, not to exceed the sum of \$3,400.00. Eggleston seconded. Voting Yeas: Ruble, Eggleston, Custer and Ubben. Nays: none. Motion carried.

Budget meetings were scheduled for August 9<sup>th</sup> and tentatively August 23<sup>rd</sup>. The Budget Public Hearings will be held September 20<sup>th</sup>.

WHEREUPON, the Chair Pro Tempore announced that the introduction of Ordinance 2022-6 was now in order.

Ordinance 2022-6 was introduced by Chair Pro Tempore Ubben and is set forth in full as follows, to wit: AN ORDINANCE OF THE VILLAGE OF CERESCO, NEBRASKA, TO AMEND THE PROVISIONS FOR OPERATION OF LOW-SPEED VEHICLES (LSV) AND TO PROVIDE FOR PERMIT FEES TO OPERATE LOW-SPEED VEHICLES (LSV) IN THE VILLAGE OF CERESCO, NEBRASKA; TO RENUMBER SECTION 4-507; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; 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 AMEND THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA AND THE SECTIONS MAY BE RENUMBERED TO ACCOMPLISH THE SAME.

Whereas, the Village of Ceresco has a code section pertaining to the operation of Low-Speed Vehicles (LSV) currently; and

Whereas, the Board wishes to provide additional regulation as to the operation of such vehicles within the corporate boundaries of the Village and also, provide a permit requirement for operation of the same; and

Whereas, in order to maintain organization in the codification of the Municipal Code, renumbering is necessary for the code sections,

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

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 Code Section 4-507 shall be renumbered to 4-512 and shall read as follows:

**SECTION 4-507 4-512: LOW-SPEED VEHICLES**

A. "Low-speed vehicle" (LSV) means a four-wheeled motor vehicle (1) whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved, level surface; (2) whose gross vehicle weight rating is less than 3,000 pounds; and (3) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2011. (Neb. Rev. Stat. §60-119.01, 60-336.01, 60-501, 60-605)

~~B. A Low-speed vehicle (LSV) may be operated on any highway on which the speed limit is not more than 35 miles per hour and may cross a highway on which the speed limit is more than 35 miles per hour. Nothing in this section shall prevent the village from adopting more stringent ordinances governing LSV operation if the Village Board determines that such ordinances are necessary in the interest of public safety. Any person operating a LSV as authorized under this section shall have a valid Class O operator's license and shall have liability insurance coverage for the vehicle. (Neb. Rev. Stat. §60-605(32))~~

Section 3. That Code Section 4-513 shall be added as follows:



**SECTION 4-513: LOW-SPEED VEHICLES; REQUIREMENTS OF OPERATION; INSURANCE.**

**A. A LSV may be operated on any streets and highways within the corporate limits of the village only if the operator and the vehicle comply with the provisions of this section.**

**B. Any person operating a LSV as authorized herein shall have:**

**1. A valid Class O operator's license.**

**2. Liability insurance coverage for a LSV while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof.**

**C. A LSV shall headlights, brake lights, turn signals, seat belts, side and rear view mirrors, and an advanced braking systems.**

**D. A LSV may be operated, without complying with subsections (B) of this section, on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.**

**E. A LSV may be operated on any highway on which the speed limit is not more than thirty-five (35) miles per hour.**

**F. A LSV may cross a highway on which the speed limit is more than thirty-five (35) miles per hour. The crossing of a highway or street shall be permitted by a LSV only if:**

**1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;**

**2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;**

**3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;**

**4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; (Neb. Rev. Stat. 60-6.356)**

Section 4. That Code Section 4-514 shall be added as follows:

**SECTION 4-514: LOW-SPEED VEHICLE; PERMIT REQUIRED; FEE**

**It shall be unlawful for any person to operate LSV on the Village streets or alleys until the owner has demonstrated proof of insurance to the Village and obtained a license certificate and plate for the current year. The Village will charge a fee of twenty-five (\$25.00) dollars for the issuance of the license certificate and plate. The license certificate shall be paid annually during the month of May and shall be delinquent from and after May 31.**

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. This ordinance shall take effect and be in force from and after its passage, approval and publication according to law.

Section 7. 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 8. 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 (15<sup>th</sup>) day from and after its passage, approval, and publication, as provided herein.

Section 9. 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

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Village of Ceresco, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Board Member Custer 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 Eggleston seconded said motion. The Chair Pro Tempore 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: Custer, Eggleston, Ruble and Ubben. 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 Pro Tempore declared the statutory rules in regard to the passage and approval of ordinances be suspended so that Ordinance 2022-6 might be read by title and then moved for final passage at the same meeting.

Board Member Ruble moved that said Ordinance 2022-6 be approved and passed as presented and its title agreed to. Chair Pro Tempore Ubben seconded this motion.

The Chair Pro Tempore 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: Ruble, Ubben, Custer and Eggleston. Nays: none.

WHEREUPON, the Chair Pro Tempore declared said Ordinance 2022-6 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 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 2022-6 in the manner required by law, within fifteen (15) days after its passage.

The Community Health Improvement Planning Meeting was mentioned, and no one is able to attend.

A letter was reviewed from Jackson Services regarding a service charge of \$3.00 per invoice and a \$1.00 surcharge per invoice for fuel when it is above \$3.00 per gallon.

Ruble moved to adjourn the meeting at 8:19 PM. Ubben seconded. Voting Yeas: Ruble, Ubben, Custer and Eggleston. Nays: none. Motion carried.

Brian Ubben, Chair Pro Tempore  
Joan Lindgren, Clerk