

MINUTE RECORD

REGULAR BOARD MEETING
VILLAGE BOARD OF TRUSTEES
APRIL 12, 2018 7:00 PM

The regular meeting of the Chairman and Board of Trustees of the Village of Shelton, Nebraska, was convened in open and public session in the Community Room of the Shelton Municipal Building at 219 "C" Street in Shelton, Nebraska, on April 12, 2018. Chairman Roe called the meeting to order at 7:00 P.M. at which time he informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room and led the audience in the Pledge of Allegiance. He then directed the Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Holley, Oberg, Doremus and Keslar. Absent: None.

Notice of this meeting was given in advance thereof by publication in the Shelton Clipper on April 5, 2018 and by posting at 10:05 am on April 5, 2018 in four (4) public places in the Village of Shelton, Nebraska, as follows: Larry's Market, Shelton Clipper, Cornerstone Bank, and Village Office, all as shown by the Certificate of Posting attached to these minutes. Notice of this meeting was simultaneously given to the Chairman and all members of the Village Board of Trustees and a copy of their acknowledgement of receipt of notice of the meeting and the agenda are attached to these minutes. Availability of the agenda was communicated in the advanced notice and in the notice of this meeting to the Village Board of Trustees.

All proceedings shown were taken while the convened meeting was open to the attendance of the public.

2. CONSENT AGENDA. It was moved by Trustee Doremus and seconded by Trustee Holley to approve the consent agenda which was comprised of: A) Waive reading and approve of Minutes of the Regular Meeting of March 8, 2018 and the Budget Work Session of April 4, 2018, B) Accept Financial Statement, C) approve Arbor Week Proclamation (April 22-28). Roll call by clerk resulted as follows: AYES: Roe, Holley, Oberg, Doremus and Keslar. NAYS: None. ABSENT: None. Motion Carried.

3. ATTORNEY/DEPARTMENT HEAD REPORTS. Written and verbal reports were given by the Utility Superintendent Sell and Administrative Clerk Doremus.

4. FIRE DEPARTMENT COMMUNICATIONS. The board had received minutes of the Fire Department meeting and Fire Chief Wiehn also gave a verbal report on the progress of the Emergency Medical Response training as well as other activities in his department.

5. LIONS CLUB COMMUNICATIONS. Trevor Reeder indicated that there was nothing new to report.

6. PLANNING COMMISSION/SECD BOARD COMMUNICATIONS. Trevor Reeder stated that the Planning Commission did not meet last month but next week they will be meeting with SCEDD to go over more proposed changes to the Zoning Ordinances. No one from the SECD Board had a report to give.

7. HIRING OF 2018 POOL MANAGER. It was recommended by Trustee Oberg to rehire Michaela Ellis. After discussion, it was moved by Trustee Doremus, with a second from Trustee Oberg to hire Michaela Ellis at a wage of \$13.00/hour as the 2018 Pool Manager. AYES: Roe, Holley, Oberg, Doremus and Keslar. NAYS: None. ABSENT: None. Motion Carried.

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It being of the hour of 7:15 PM, it was moved by Trustee Oberg with a second from Trustee Doremus to adjourn the Board of Trustees' meeting for the purpose of reconvening as the Board of Adjustments. AYES: Roe, Holley, Oberg, Doremus and Keslar. NAYS: None. ABSENT: None. Motion Carried.

8. BOARD OF ADJUSTMENTS MEETING

8A. The Board of Adjustments meeting was called to order by Chairman Roe with a roll call reflecting the following: Present: Roe, Holley, Oberg, Doremus and Keslar. Absent: None. Chairman Roe then informed the public of the Open Meetings Law posted in the back of the room.

8B. It was then moved by Trustee Oberg to adjourn the Board of Adjustment meeting in order hold a Public Hearing. This received a second from Trustee Doremus with the vote as follows: AYES: Roe, Holley, Oberg, Doremus and Keslar. NAYS: None. ABSENT: None. Motion Carried.

8C. PUBLIC HEARING RE: REQUEST FOR A VARIANCE FROM THE MINIMUM LOT REQUIREMENTS BY VIAERO WIRELESS for a cell tower on property described as Pt. SW1/4 SW1/4 1-9-13, Buffalo County, Nebraska, or more commonly known as 600 Block of E Street, Shelton, Nebraska. Chris Riha from Viaero Wireless presented a short power point on the proposed cell tower. He explained that the Planning Commission advised him to request this variance from the minimum lot requirement which would allow for the west 80' of the original lot be left undeveloped. This would allow for the extension of E Street to the south if the area would ever be developed.

8D. Having had all the questions presented to Mr. Riha answered and hearing no more comments from the public, Chairman Roe adjourned the Public hearing at 7:35 PM and called the Board of Adjustments meeting back to order with a roll call reflecting the following: Present: Roe, Holley, Oberg, Doremus and Keslar. Absent: None. Chairman Roe then informed the public of the Open Meetings Law posted in the back of the room.

8E. VARIANCE APPLICATION FROM VIAERO WIRELESS FOR A TELECOMMUNICATION TOWER SITE. After discussion Trustee Oberg moved to approve and adopt Resolution BA-45 as presented:

RESOLUTION BA-45:

WHEREAS, an application has been received from VIAERO WIRELESS for a variance from the minimum lot requirements for a cell tower on property described as Pt. SW 1/4 SW 1/4 1-9-13, Buffalo County, Nebraska, or more commonly known as 600 Block of E Street, Shelton, Nebraska.

WHEREAS, the necessary application fee for such application has been submitted, and the required advertising of notice and posting of the property was done in accordance with the applicable law and regulations; and

WHEREAS, after public hearing held by this Board of Adjustment of Shelton, Nebraska, this board hereby finds and determines that:

1. The strict application of the zoning regulations would produce undue hardship in this instance;
2. Such hardship is not shared generally by other property in the same zoning district and the same vicinity;
3. The authorization of a variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of a variance;

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4. The granting of a variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice; and
5. The condition or situation of the property concerned or intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

NOW, THEREFORE, BE IT RESOLVED, BY THE CHAIRMAN AND BOARD OF ADJUSTMENT OF THE VILLAGE OF SHELTON, NEBRASKA:

Section 1. That this Board of Adjustment does hereby authorize and grant a variance to VIAERO WIRELESS from the minimum lot requirements for a cell tower on property described as Pt. SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1-9-13, Buffalo County, Nebraska, or more commonly known as 600 Block of E Street, Shelton, Nebraska.

Section 2. That this variance is conditional upon the applicant complying with all other zoning regulations and building codes of the Village of Shelton, Nebraska, in the construction of such building.

This received a second from Trustee Doremus with the vote as follows: AYES: Roe, Holley, Oberg, Doremus and Keslar. NAYS: None. ABSENT: None. Motion Carried.

8F. All agenda items having been considered, Trustee Doremus with a second from Trustee Holley moved to adjourn the Board of Adjustments meeting. AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 7:41 P.M.

REGULAR BOARD OF TRUSTEES MEETING RECONVENED

The regular meeting of the Chairman and Board of Trustees of the Village of Shelton, Nebraska, was reconvened at 7:41 pm. Chairman Roe called the meeting to order at which time he informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room. He then directed the Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Holley, Oberg, Doremus and Keslar. Absent: None.

9. SALE OF LOTS 6 & 7, BLK 5, CAMPBELLS 1ST ADDITION. A proposal had been received from Dan Riley to buy these lots for \$10,000 and \$9,000 respectfully. His offer was contingent with being allowed to erect a nice looking building. After discussion as to zoning and the fact that a letter of intent to sell had been given to the SCEDD for a possible housing grant, it was moved by Trustee Oberg to table this agenda item until the May meeting. This received a second from Trustee Holley with the vote as follows: AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried.

10. SALE OF OTHER VILLAGE PROPERTIES. Chairman Roe reported that they were scheduled to close on the Professional Building (Medical Center) the following day.

11. LETTER OF SUPPORT TO MID-NEBRASKA'S APPLICATION FOR GRANT FUNDS FOR A DOWN PAYMENT ASSISTANCE PROGRAM FOR BUFFALO COUNTY. After discussion, it was moved by Trustee Holley, with a second from Trustee Oberg to write a letter of support for Mid-Nebraska's application for grant funds for a down payment assistance program for Buffalo County. AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried.

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12. UNION PACIFIC FENCING ALONG TRACKS. Dwight Walton was requesting the Board to begin the process of requesting a safety fence along the railroad to deter pedestrians from crossing at unauthorized places. After discussion Chairman Roe directed the Village Clerk to write a letter to the Union Pacific Public Relations Office in Omaha requesting the fencing.

13. MAGUIRE IRON CONTRACT. Trustee Doremus explained that he had requested an Addendum to the contract to put in writing the “gentleman’s agreement” that if the work was done in the Spring or Summer, they would not receive payment until October which is the start of our new fiscal year. Village Clerk Doremus reported that she has sent the proposed addendum to Maguire Iron but had not heard back to their agreement to it or not. After further discussion, Chairman Roe moved to table any action on this agenda item until a response was received from Maguire Iron. This received a second from Trustee Keslar with the vote as follows: AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried.

14. SIZE OF BRANCHES TO BE TAKEN AT DISPOSAL SITE. After discussion it was moved by Trustee Doremus, with a second from Trustee Keslar to allow up to 12” diameter and 6-foot-long branches at the disposal site. AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried.

15. CONCESSION STAND PROPOSAL/LEASE. A proposal from Kaye Meints had been received to lease the concession stand for the 2018 season. A lease agreement similar to past years was presented to the board with the only change being instead of the Village receiving \$10 per event the Village would receive \$5 and the Youth Ball Association would receive \$5. After discussion, it was moved Trustee Doremus to approve and adopt Resolution No. 18-04-12 as presented:

RESOLUTION NO. 18-04-12:

1. That the Concession Stand Lease Agreement between the Village of Shelton, Nebraska, and Kaye Meints in the form presented to this Governing Body be, and the same hereby is, approved and accepted.
2. That the Chairman of the Governing Body and Village Clerk be, and they hereby are, authorized and directed to execute such Agreement, on behalf of, and in the name of the Village of Shelton, Nebraska and that an executed copy of said agreement be affixed to this resolution and, by reference, made a part of these official proceedings.

This received a second from Trustee Oberg with the vote as follows: AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried.

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16. PLACING CITY SALES TAX ISSUE ON BALLOT FOR THE NOVEMBER 2018 ELECTION.

Dwight Walton was present representing the Shelton Economic and Community Development Board and asking them to consider at least a portion of the tax asked for on the ballot be designated for the Economic Development. He urged the Board not to wait too long, so the question could be formulated in time for the ballot. It was indicated that more discussion will be done at the May meeting with regards to this agenda item.

17. OPTIONS FOR ONLINE PAYMENT OF UTILITY BILLS. Village Clerk Doremus reported that a company had been chosen to do this but had not gotten back to them with the specifics. Data Tech has a purchase contract for the third-party interfacing with the utility billing which needed to be approved before they could begin working with the third party. It was then moved by Trustee Doremus to approve and adopt Resolution No. 18-04-12A as presented:

RESOLUTION NO. 18-04-12A:

BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF SHELTON, NEBRASKA,

1. That the agreement for Utility Billing Third Party Interface between Data Technologies, Inc. and the Village of Shelton, in the form presented to this Governing Body, and the same hereby is approved and accepted.
2. That the Chairman of the Governing Body and Village Clerk be and hereby are authorized and directed to execute said agreement on behalf of and in the name of the Village of Shelton, Nebraska and that an executed copy of the same be affixed to this resolution and by reference made a part of these official proceedings.

This received a second from Trustee Keslar with the vote as follows: AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried.

18. CLAIMS. It was moved by Trustee Doremus with a second from Trustee Holley to approve claims as presented. AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried.

19. ADJOURNMENT. All agenda items having been considered, Trustee Doremus with a second from Trustee Oberg moved to adjourn the meeting. AYES: Roe, Holley, Oberg, Doremus, and Keslar. NAYS: None. ABSENT: None. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 8:29 P.M.

RESPECTFULLY SUBMITTED

BONNIE DOREMUS, MMC
VILLAGE CLERK

APPROVED:

WILLIAM C. ROE
CHAIRMAN

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CERTIFICATION

I, the undersigned, Village Clerk for the Village of Shelton, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Chairman and Board of Trustees of the Village of Shelton at the regular meeting held on April 12, 2018 and that all the subjects included in the foregoing proceedings were contained in said agenda for at least twenty-four hours prior to said meeting; that said minutes from which the foregoing proceedings have been extracted were available for public inspection within ten working days of the meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; that the notice of the meeting was posted by Assistant Clerk/Treasurer Lisa Smith at 10:05 A.M. on April 5, 2018 in four public places in the Village of Shelton, as follows: Village Office, Shelton Clipper, Cornerstone Bank, and Larry's Market.

Dated this 17th day of April, 2018.

BONNIE DOREMUS, MMC
VILLAGE CLERK

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CLAIMS:

ANGELA KEISER LLC	WEBSITE TRAINING	75.00
BLACK HILLS ENERGY	FEB/MAR SERVICE	585.74
BOKF, NA	SHELHWYREF16	9,423.75
BUFFALO CO SHERIFF'S OFFICE	LAW ENFORCEMENT CONTRACT	890.15
BUFFALO OUTDOOR POWER LLC	R/M EQUIP	371.97
BUSINESS WORLD PRODUCTS	OFFICE SUPPLIES	191.67
CENTRAL STATES LAB. LLC	R/M SEWER	889.39
CHARTER COMMUNICATIONS	MAR/APR SERVICE	154.99
CHEMSEARCH	R/M SEWER	710.00
CITY OF SHELTON	SEWER	421.55
CLIPPER PUBLISHING,INC	MIN/NOT/RES/ORD	1,054.23
CONSOLIDATED MANAGEMENT CO	ED-POL/TRAINING	465.63
CORNERSTONE BANK	WIRE FEE/STREET BOND PYMT	15.00
CROUCH RECREATION	PARK/LIONS PROJ-SB HOOPS	5,480.00
CUTTING EDGE CLEANING	CLEANING-COMM ROOM	240.00
DAN SELL	REIMBURSE/NE RURAL WA CONE	58.86
DATA TECHNOLOGIES, INC.	SOFTWARE-INTERNET BILL PAY	421.25
DEARBORN NATIONAL LIFE	INS/FIREMAN-APR 2018	55.04
EFTPS	FED/FICA TAX	9,655.48
GALLS, LLC	OPERATING SUPPLIES	361.00
HEARTLAND DISPOSAL	GARBAGE COLLECTION	3,427.79
HI-TECH INC.	OPERATING SUPPLIES	24.00
INTERNATIONAL INSTITUTE OF CMC	ENROLLMENT DEPOSIT/SMITH	50.00
IOWA PUMP WORKS, INC	R/M SEWER	292.99
K & K CONVENIENCE STORE	MAR FUEL	507.66
LASERTEC OF NE, INC	PAGEPACK CONTRACT	217.68
LISA SMITH	REIMBUR MILEAGE/CLERKS CONF	141.70
LOCKMOBILE	R/M GRASS DISPOSAL SITE	62.60
MCI	JAN/FEB SERVICE	82.45
MENARDS GRAND ISLAND	R/M WA	21.50
MENARDS KEARNEY	R/M POTHLES	998.82
MICHAEL TODD & CO, INC	R/M EQUIP	124.20
MIDWEST RADAR AND EQUIPMENT	OPERATING SUPPLIES	120.00
NE CENTRAL TELEPHONE CO	APR SERVICE	500.44
NEBRASKA DEPT OF REVENUE	SALES TAX	1,977.24
NE PUBLIC HEALTH ENVIRO LAB	WA TESTS	532.00
NE DEPT OF REV -STATE TAX WHOLD	STATE TAXES	912.26
NE UC FUND	2018-1ST QTR/UNEMPLOYMENT	518.42
NEBRASKA MUNICIPAL POWER POOL	MEMBERSHIP DUES	777.11
NEBRASKA PUBLIC POWER DIST	FEB/MAR SERVICE	5,543.01
ONE CALL CONCEPTS	MAR LOCATES	14.34
PETTY CASH	OFFICE EXP	301.62
POLICE PETTY CASH	OP SUP-LIBERTY CLEANERS	102.15
PRESTO X	PEST CONTROL	35.00
SECURITY BENEFIT LIFE	457	376.94
SECURITY BENEFIT LIFE	457	189.26
SLAGLE PLUMBING	R/M WA-PARTS/LABOR	126.00
TRUELL, MURRY & ASSOC	ATTORNEY SERVICES	280.00
US BANK	OFF EXP-MICROSOFT	193.65
VERIZON	MONTHLY SERVICE	693.00
WILLIS REPAIR	R/M-POL	255.50