

MINUTE RECORD

REGULAR BOARD MEETING
VILLAGE BOARD OF TRUSTEES
August 9, 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 August 9, 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 August 2, 2018 and by posting at 2:35 pm on August 3, 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 Keslar to approve the consent agenda which was comprised of: A) Waive reading and approve of Minutes of the Regular Meeting of July 12, 2018 and the Special Budget Work Session of July 26, 2018, B) Accept Financial Statement.

C) RESOLUTION FOR 18-19 LARM RENEWAL: (RESOLUTION NO. 18-08-09)

WHEREAS, The Village of Shelton is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The Village of Shelton, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to: provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. (180 day and 3-year commitment; 5% discount)

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D) RESOLUTION TO PURCHASE NEW TRASH PUMP: (RESOLUTION NO. 18-08-09A)

WHEREAS, the Governing Body of the Village of Shelton, Nebraska has determined that the purchase of certain equipment is necessary and essential to the efficient and proper operation of the Village.

WHEREAS, after investigation of the facts and discussion of the alternatives, the Governing Body has decided to purchase the necessary equipment.

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

SECTION 1. That the Village of Shelton, Nebraska shall immediately acquire one Northstar Trash Pump from Northern Tools with the cost to the Village of Shelton not to exceed \$1,399.99 plus shipping.

SECTION 2. That the Chairman, and Utility Superintendent are hereby authorized, and directed to acquire the aforementioned item for and on behalf of, and in the name of the Village of Shelton, Nebraska, and to execute such documents, orders, and contracts in the name of the Village of Shelton, Nebraska, as may be necessary, proper, or convenient to undertake and complete such purchase.

E) RESOLUTION TO REPLACE COMMUNITY ROOM AIR CONDITIONER: (RESOLUTION NO. 18-08-09B)

WHEREAS, the Governing Body of the Village of Shelton, Nebraska has determined that the maintenance of properties is necessary and essential to the efficient and proper operation of the Village.

WHEREAS, after investigation of the facts and discussion of the alternatives, the Governing Body has decided to have the necessary maintenance done.

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

SECTION 1. That the Village of Shelton, Nebraska shall immediately acquire from Willis Repair. of Shelton, NE material & labor to replace the air conditioning unit which serves the Community Room for a cost not to exceed \$6,500.

SECTION 2. That the Chairman and Clerk are hereby authorized and directed to acquire the aforementioned services for and on behalf of, and in the name of the Village of Shelton, Nebraska, and to execute such documents, orders, and contracts in the name of the Village of Shelton, Nebraska, as may be necessary, proper, or convenient to undertake and complete such purchase.

F) RESOLUTION TO REPAIR STORM SEWER BEHIND LARRY'S MARKET: (RESOLUTION NO. 18-08-9D)

WHEREAS, the Governing Body of the Village of Shelton, Nebraska has determined that the maintenance of properties is necessary and essential to the efficient and proper operation of the Village.

WHEREAS, after investigation of the facts and discussion of the alternatives, the Governing Body has decided to purchase the necessary equipment:

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

SECTION 1. That the Village of Shelton, Nebraska shall immediately acquire services from Midland Contracting dba Johnson Service Company of Kearney, Nebraska to repair a storm sewer manhole behind Larry's Market for a price not to exceed \$3,450.00.

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SECTION 2. That the Chairman, and Clerk hereby are authorized, and directed to acquire the aforementioned services for and on behalf of, and in the name of the Village of Shelton, Nebraska, and to execute such documents, orders, and contracts in the name of the Village of Shelton, Nebraska, as may be necessary, proper, or convenient to undertake and complete such purchase.

G) RESOLUTION TO ADOPT NEW EMPLOYEE MANUAL: RESOLUTION NO. 18-08-09D)

WHEREAS, a revision of the Personnel Manual of the Village of Shelton has been reviewed by the Chairman and the Board of Trustees: and

WHEREAS, the Chairman and the Board of Trustees of the Village of Shelton, Nebraska, hereby determine that it is in the best interest of the citizens of the Village of Shelton to adopt the revised Personnel manual for its employees;

NOW, THEREFORE, BE IT RESOLVED by the Chairman and the Board of Trustees of the Village of Shelton, that the revision of the personnel manual as presented and attached to this resolution be approved and adopted as the Village of Shelton Personnel Manual for the employees.

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. Verbal reports were given by Attorney Truell, Police Chief Clark, Utility Superintendent Sell and Village Clerk Doremus. Written reports were also received from Utility Superintendent Sell and Administrative Clerk Doremus.

4. FIRE DEPARTMENT COMMUNICATIONS. Fire Chief Wiehn congratulated Chairman Roe on achieving his EMT certification and reported on other activities in his department.

5. PLANNING COMMISSION/SECD BOARD & SCEDD COMMUNICATIONS. No one was present to report but an e-mail had been received from Jennifer Hiatt of SCEDD wanting to arrange a time to go over any questions the Board may have on the Comprehensive Plan, Zoning Ordinance and Blight Study so they can be adopted. It was decided to place them on the September Meeting Agenda.

8. ANNEXATION OF PROPERTIES. After discussion it was directed to give notice of a Public Hearing for the October meeting in order to proceed with the process.

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

6. BOARD OF ADJUSTMENTS MEETING

6A. The Board of Adjustments meeting was called to order by Chairman Roe with a roll call reflecting the following: Present: Roe, Holley, Doremus, Oberg and Keslar. Absent: None. Chairman Roe then informed the public of the Open Meetings Law posted in the back of the room.

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6B. It was then moved by Trustee Doremus to adjourn the Board of Adjustment meeting in order hold a Public Hearing. This received a second from Trustee Keslar with the vote as follows: AYES: Roe, Holley, Doremus, Oberg and Keslar. NAYS: None. ABSENT: None. Motion Carried.

6C. PUBLIC HEARING RE: REQUEST FOR A VARIANCE FROM THE MAXIMUM AGE REQUIREMENTS FOR A MOBILE HOME BY LANDHOLDINGS LLC to be moved onto property described as Lots 3 through 6, Block 24, Third Addition to Shelton, Buffalo County, Nebraska, or more commonly known as 318 E Street, Shelton, Nebraska. Although pictures were provided indicating a refurbished mobile home was the subject of the variance, the board had questions regarding the wiring and exterior wall updates. AJ Dahlgren who represented Landholdings, LLC although not present, was able to be reached at 7:23 PM via phone to try to answer such questions.

6D. After further discussion and hearing no more comments from the public, Chairman Roe adjourned the Public hearing at 7:31 PM and called the Board of Adjustments meeting back to order with a roll call reflecting the following: Present: Roe, Holley, Doremus, Oberg and Keslar. Absent: None. Chairman Roe then informed the public of the Open Meetings Law posted in the back of the room.

6E. VARIANCE APPLICATION FROM THE MAXIMUM AGE REQUIREMENTS FOR A MOBILE HOME BY LANDHOLDINGS LLC. After discussion Trustee Doremus moved to approve and adopt Resolution BA-47 as presented with the condition that the mobile home would be inspected before being moved into the municipality to assure that the wiring and exterior walls meet the current code requirements.

RESOLUTION BA-47:

WHEREAS, an application has been received from LANDHOLDINGS, LLC for a variance from the maximum age requirements for a mobile home to be moved onto property described as Lots 3 through 6, Block 24, Third Addition to Shelton, Buffalo County, Nebraska, or more commonly known as 318 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;
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.

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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 LANDHOLDINGS, LLC for a variance from the maximum age requirements for a mobile home to be moved onto property described as Lots 3 through 6, Block 24, Third Addition to Shelton, Buffalo County, Nebraska, or more commonly known as 318 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 Oberg with the vote as follows: AYES: Roe, Holley, Doremus, Oberg and Keslar. NAYS: None. ABSENT: None. Motion Carried.

6F. All agenda items having been considered, Trustee Doremus with a second from Trustee Keslar moved to adjourn the Board of Adjustments meeting. AYES: Roe, Holley, Doremus, Oberg and Keslar. NAYS: None. ABSENT: None. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 7:34 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 7:34 pm. Chairman Roe called the meeting to order at which time he informed the public of the posting. He then directed the Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Holley, Doremus, Oberg and Keslar. Absent: None.

5. PLANNING COMMISSION/SECD BOARD & SCEDD COMMUNICATIONS. Dwight Walton arrived to give an update on the activities of the Planning Commission and SECD Board.

7. REQUEST TO VACATE ALLEY FROM 5TH ST SOUTH BETWEEN G STREET AND 10D LINK.

Kody Quint, property owner to the west of the alley was present along with his contractor Matt Andrews to request the vacation of this alley. When he had his property surveyed it was discovered that his current garage was on the alleyway. He was requesting the vacating of the alley, so he could tear down the old garage and construct a new one on the same site extending the new structure to the south. After much discussion regarding the possibility of the extension of the sewer and water south for future development, it was moved by Trustee Holley to direct the Village Attorney to draw up an agreement allowing the construction on the public right-of-way with the understanding that if it became necessary it would be moved. This received a second from Trustee Oberg with the vote as follows: AYES: Roe, Holley, Doremus and Oberg. NAYS: Keslar. ABSENT: None. Motion Carried.

9. COMMERCIAL NUISANCE PROPERTIES. Trustee Doremus reviewed some properties which had come to his attention which had some vegetation and other items of concern. After discussion it was agreed that a simple approach to the property owners regarding the concerns might be the best course of action at this time.

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10. CONTRACT FOR RANDOM DRUG TESTING POLICY. After reviewing the current experience with the new testing company (WPCI) the Village Clerk was directed to contact our prior testing company (Diversified) to reestablish ourselves with them and then give a 30-day notice to cancel our contract with WPCI.

11. PUBLIC EDUCATION FOR SALES TAX VOTE. After discussion, it was agreed that Trustees Holley and Roe would meet with the Village Clerk to get “talking points” down so an article could be placed in the Clipper and on the Website. This would allow the public to see what some of the possible projects could be funded by the new sales tax.

12. HIRING OF PART TIME HELP AND POTENTIAL ASSISTANT UTILITY SUPERINTENDENT. Utility Superintendent Sell explained to the board that he will be losing his summer help soon and is in need of help to finish out the mowing season. He had spoken with Katlin Marten who has been working as assistant manager at the pool. She has experience with Parks and Recreation and would like to hire her part time (she is a college student) to help him. The board agreed that this looked like a good fit but was still concerned that he did not have a full-time assistant. After further discussion it was directed to begin advertising again and to try to look at different avenues to recruit for the position.

13. END OF ADMINISTRATIVE CLERK’S INTRODUCTORY PERIOD & ORDINANCE TO SALARY AND WAGES. After discussion Chairman Roe indicated it was time to consider Ordinance No. 817. Whereupon, it was moved by Trustee Keslar, seconded by Trustee Oberg that the minutes of the proceedings of the Chairman and Board of Trustees of the Village of Shelton, Buffalo County, Nebraska, in the matter of passing and approving Ordinance No. 817 be preserved and kept in a separate and distinct volume known as “Ordinance Record, Village of Shelton, Nebraska”; and that said separate and distinct volume be incorporated in and made a part of these proceedings the same as though it were spread at large herein. The Chairman instructed the Clerk to call the roll and the following was recorded as the vote on this motion: **AYES:** Roe, Holley, Oberg and Keslar. **NAYS:** None. **ABSTAINS:** Doremus. **ABSENT:** None. Whereupon the chairman declared the Motion Carried.

Further, a motion was made by Trustee Keslar, seconded by Trustee Oberg that the statutory rules in regard to the passage and adoption of Ordinances be suspended, so that said Ordinance No. 817 might be introduced, read by title, and approved and passed at the same meeting. Trustee Keslar called for the question. The Chairman put the question to the vote and instructed the Clerk to call roll and the following was the vote on this motion: **AYES:** Roe, Holley, Doremus, Oberg and Keslar. **NAYS:** None. **ABSENT:** None. Whereupon, the Chairman declared the Motion Carried.

Following the reading of Ordinance No. 817 in its entirety on the First Reading, the suspension of the rules so that the same may be read by title on the Second and Third Readings, allowing for final passage at the same meeting, Trustee Keslar called for the question as to the approval and passage of Ordinance No. 817 and the following vote was recorded: **AYES:** Roe, Holley, Doremus, Oberg and Keslar. **NAYS:** None. **ABSENT:** None. Whereupon, the Chairman declared that five members of the Board having voted in the affirmative for the passage and approval of Ordinance No. 817 and declared said Ordinance duly passed and adopted as an Ordinance of the Village of Shelton, Nebraska.

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Whereupon, it was moved by Trustee Keslar, seconded by Trustee Oberg that said Ordinance No. 817 be published in pamphlet form. AYES: Roe, Holley, Doremus, Oberg and Keslar. NAYS: None. ABSENT: None. Motion Carried.

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

14. ADJOURNMENT. All agenda items having been considered, Trustee Keslar with a second from Trustee Doremus 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 8:57 P.M.

RESPECTFULLY SUBMITTED

BONNIE DOREMUS, MMC
VILLAGE CLERK

APPROVED:

WILLIAM C. ROE
CHAIRMAN

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 August 9, 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 2:35 P.M. on August 3, 2018 in four public places in the Village of Shelton, as follows: Village Office, Shelton Clipper, Cornerstone Bank, and Larry's Market.

Dated this 14th day of August 2018.

BONNIE DOREMUS, MMC
VILLAGE CLERK

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CLAIMS:

AIMEE LAUBER	REIMBURSE 1/2 CLASSES	22.50
AMERICAN FIRE & SAFETY	FIRE EXTINGUISHERS	600.00
ANDREA EMAL	REIMBURSE 1/2 CLASSES	35.00
ASK SUPPLY CO. LLC	OPERATING SUPPLIES	248.72
BLACK HILLS ENERGY	MONTHLY SERVICE	625.52
BONNIE DOREMUS	MILAGE/BUDGET MTGS	82.84
BRIANA KENNEDY	REIMBURSE 1/2 CLASSES	55.00
BUFFALO CO SHERIFF'S OFFICE	LAW ENFORCEMENT/JULY	764.46
BUSINESS WORLD PRODUCTS	OFFICE SUPPLIES	222.63
CENTRAL DIST. HEALTH DEPARTMEN	WATER TESTS	46.50
CENTURION TECHNOLOGIES	SMART SHIELD	56.00
CHARTER COMMUNICATIONS	MONTHLY SERVICE	154.99
CHEMSEARCH	ECOFLOW PROGRAM-JULY/AUG	1,420.00
CHUCK ROE	REIMBURSE FOR EMS & FINGERPRINT	125.00
CINDY BRANDT	FIREHALL CLEANING	100.00
CLEVENGER'S	TIRE REPAIR	15.00
CLIPPER PUBLISHING,INC	PUBLICATIONS	239.20
CNA SURETY DIRECT BILL	DOREMUS BOND	375.00
CULLIGAN OF GRAND ISLAND	OPERATING SUPPLIES	40.00
CUMMINS NE BRANCH	LIFT STATION R/M	5,400.00
DALLAS DEAN	REIMBURSE 1/2 CLASSES	65.00
DEARBORN NATIONAL	AUG FIREMEN LIFE INS	55.04
DETERDINGS KRNY	POOL LEAKS/CLORINATOR CONTROL	5,777.90
DOREMUS BROS TRUCKING	SHREDDING	86.10
GALLS LLC	OPERATING SUPPLIES	78.95
GRACE OBERG	REIMBURSE 1/2 CLASSES	65.00
HALEE BLACKBURN	REIMBURSE 1/2 CLASSES	22.50
HAYDEN SPOTANSKI	REIMBURSE 1/2 CLASSES	65.00
ISLAND SPRINKLER SUPPLY	SPRINKLER REPAIR	57.75
JERESA SINNER	REIMBURSE 1/2 CLASSES	35.00
JOHN DEERE FINANCIAL	MOWER R/M	183.04
JYLISSA SINNER	REIMBURSE 1/2 CLASSES	35.00
K & K CONVENIENCE STORE	JULY FUEL	1,282.63
K & K CONVENIENCE STORE	JULY FUEL	186.49
KATLIN MARTEN	REIMBURSE 1/2 CLASSES	20.00
KEARNEY CRETE & BLOCK CO	MARBLE DUST - BB FIELD	28.20
LARRY'S MARKET	SUPPLIES/READING PRG	42.99
LASERTEC OF NE, INC	PAGEPACK CONTRACT	215.96
LEAGUE OF NEB MINICIPALITIES	2018-2019 DUES/CONF	2,464.19
LINDSAY FOSTER	REIMBURSE 1/2 CLASSES	22.50
LISA SMITH	MILEAGE/DRUG TESTING	38.15
MCI	MONTHLY SERVICE	28.88
MCKENNA ELLIS	REIMBURSE 1/2 CLASSES	65.00
MENARDS GRAND ISLAND	POOL CHEMICALS	201.25
MENARDS KEARNEY	SUPPLIES	185.41
MICHAELA ELLIS	REIMBURSE 1/2 TRAINING CLASSES	42.50
MID NE AGGREGATE	GRAVEL	371.83
MUNICIPAL SUPPLY INC	WATER RIM	589.32
NE CENTRAL TELEPHONE CO	AUG MONTHLY SERVICE	585.34

