

MINUTE RECORD

REGULAR BOARD MEETING
VILLAGE BOARD OF TRUSTEES
AUGUST 13, 2020 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 13, 2020. 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, Doremus and Oberg. Absent: Keslar and Cline.

Notice of this meeting was given in advance thereof by publication in the Shelton Clipper on August 6, 2020 and by posting at 10:20 am on August 10, 2020 in five (5) public places in the Village of Shelton, Nebraska, as follows: Larry's Market, Shelton Clipper, Post Office, 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. TRUSTEE CLINE'S RESIGNATION/VACANCY ON THE BOARD. An e-mail dated August 4, 2020 addressed to the Village Clerk was presented to the Board stating "A series of recent circumstances had made my continued service on the Village Board of Trustees no longer feasible." He was submitting his resignation effective immediately. After discussion, it was moved by Trustee Doremus to accept this resignation. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

3. CONSENT AGENDA. It was moved by Trustee Oberg to approve the consent agenda which consisted of A) waiving reading and approving the minutes of the regular meeting of July 9, 2020 and B) to accept the Financial report. This received a second from Trustee Doremus with the vote as follows: Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

6. REPORTS. Fire Chief Wiehn reported on their controlled burn last week as well as some other activities in his department.

It was then moved by Trustee Doremus, with a second from Trustee Oberg to adjourn the Board of Trustee's meeting in order to hold a Public Hearing. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

PUBLIC HEARING. Chairman Roe then called the Public Hearing to order at 7:07 pm informing the Public that the purpose of the hearing was to allow them to comment on the proposed economic development plan. Bobbi Pettit of Five Rule Rural Planning was present to answer any questions or comments. It was explained that the Economic Development Plan would need to be placed on the ballot as well as, a sales tax question which would fund the Plan. After having all the questions answered and hearing no more comments from the Public, Chairman Roe closed the Public Hearing at 7:24 pm and called the Board of Trustee's meeting back to order with a roll call reflecting the following: Present: Trustees: Roe, Doremus and Oberg. Absent: Keslar.

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Chairman Roe then indicated it was time to consider Resolution No. 20-08-13 and Resolution No. 20-08-13A

4. RESOLUTION NO. 20-08-13:

A RESOLUTION OF THE VILLAGE OF SHELTON, NEBRASKA TO ADOPT THE ECONOMIC DEVELOPMENT PLAN FOR THE VILLAGE OF SHELTON ECONOMIC DEVELOPMENT PROGRAM AND TO PROVIDE FOR THE BALLOT LANGUAGE PERTAINING TO THE SAME, PURSUANT TO THE NEBRASKA LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT.

WHEREAS, the voters of Nebraska at the General Election held in November, 1990 approved an amendment to the Nebraska Constitution to authorize the Nebraska Legislature to pass enabling legislation granting cities and villages the power to use local sources of revenue for economic and industrial projects or programs subject to local voter approval; and

WHEREAS, the Nebraska Legislature authorized cities and villages through passage of LB 840 during 1991, which was entitled the Local Option Municipal Economic Development Act (the "Act"), to collect and appropriate local option sales tax revenues for economic development programs; and

WHEREAS, the Act provides an opportunity for the citizens of the Village of Shelton, Nebraska community to influence their economic future; and

WHEREAS, to help ensure the success of that economic future, the Village of Shelton has proposed, pursuant to the Act, a viable economic development plan for the Village of Shelton, which is hereby considered for adoption; and

WHEREAS, this economic development plan, if adopted, calls for the use of Local Option Sales Tax proceeds for projects or programs providing direct or indirect financial assistance to a qualifying business and payment of related costs and expenses as allowed under the Act; and

WHEREAS, having completed the proposed plan, and having held a public hearing at which said plan was presented for public comment and discussion, the Village is now prepared to adopt the proposed plan and any amendments by this resolution, pursuant to the Act;

WHEREAS, the Village proposes the language provided herein for the ballot question, composed of the question on adoption of the Economic Development Program and the question on adoption of a sales and use tax in the amount of one and one-half percent (1½%), as such language will appear on the ballot;

5. RESOLUTION NO. 20-08-13A:

A RESOLUTION OF THE VILLAGE OF SHELTON, NEBRASKA TO SUBMIT TO THE VOTERS OF THE VILLAGE THE QUESTION OF IMPOSING A SALES AND USE TAX OF ONE AND ONE-HALF PERCENT (1½%), PURSUANT TO THE NEBRASKA LOCAL OPTION REVENUE ACT.

WHEREAS, Neb. Rev. Stat. § 77-27,142 provides a village with authority to impose a sales and use tax upon the same transactions that are sourced under the provisions of Neb. Rev. Stat. §§ 77-2703.01 to 2703.04 within the incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time;

WHEREAS, the Village of Shelton (the "Village") does not currently have a sales and use tax in place, previously approved by the voters of the Village pursuant in part to Neb. Rev. Stat. § 77-27,142.

WHEREAS, Neb. Rev. Stat. § 77-27,142.01 provides that the Board of Trustees of any incorporated municipality may submit the question of imposing a sales and use tax **previously authorized under Section 77-27,142;**

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WHEREAS, **Neb. Rev. Stat. § 77-27,142.01** provides in relevant part that the question of imposing a sales and use tax shall be submitted to the voters at any general election if the governing body submits a certified copy of the resolution proposing modification to the county clerk within the time prior to a general election prescribed in Section **77-27,142.02**;

WHEREAS, **Neb. Rev. Stat. § 77-27,142.02** provides in relevant part that the authority provided in Section 77-27,142 to impose a sales and use tax shall not be exercised unless and until the question has been submitted at a general election held within the incorporated municipality, and that the officials of the incorporated municipality shall order the submission of the question by submitting a certified copy of the resolution proposing the tax to the county clerk no later than September 1 of the year of the general election;

WHEREAS, the Village Board of Trustees finds it expedient to submit to the voters of the Village the question of imposing a sales and use tax of one and one-half percent (1½%);

WHEREAS, the Village proposes the language provided herein for the ballot question, composed of the question on adoption of a sales and use tax in the amount of one and one-half percent (1½%), as such language will appear on the ballot;

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

Section 1. The question of imposing a sales and use tax of one and one-half percent (1½%) shall be presented to the voters of the Village of Shelton for approval at the next general election, to be held on November 3, 2020.

Section 2. One-third of revenues (1/2% of 1½%) from the proposed one and one-half percent (1½%) sales and use tax will be used to fund general Village obligations for street improvements and infrastructure developments to include drainage and sidewalks.

Section 3. The proposed one and one-half percent (1½%) sales and use tax will terminate on April 1, 2031.

Section 4. The following question shall be submitted to the registered voters of the Village of Shelton:

“Shall the Board of Trustees of the Village of Shelton, Nebraska impose a sales and use tax in the amount of one and one-half percent (1½%) upon the same transactions within the Village Shelton on which the State of Nebraska is authorized to impose a tax, for a ten (10) year period beginning on or about April 1, 2021 and ending on or about April 1, 2031, with **one-third (1/3)** of the proceeds used to fund general Village obligations for street improvements and infrastructure developments to include drainage and sidewalks?

_____ YES (for the sales tax)
_____ NO (against the sales tax)

Section 5. The Village Clerk is hereby directed to file a certified copy of this resolution with the Buffalo County Clerk not later than September 1 of the year of the general election.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

After some discussion it was moved by Trustee Doremus, with a second from Trustee Oberg to approve and adopt Resolution No. 20-08-13 and Resolution No. 20-08-13A as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

6. REPORTS. A verbal report was received from the Village Attorney and written and verbal reports were received from Utility Superintendent Sell and Administrative Clerk Doremus.

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7. PURCHASE CONTRACT FOR FIRE DEPARTMENT GATOR & LEASE AGREEMENT FOR THE UTILITY SKID STEER LOADER. After discussion it was indicated it was time to consider Resolution No. 20-08-13B:

RESOLUTION NO. 20-08-13B:

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

1. That the Retail Installment Contract – Security Agreement for a 2016 John Deere Gator (for the Fire Dept) between the Village of Shelton, Nebraska, and John Deere Financial in the form now before 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 Contract, on behalf of, and in the name of the Village of Shelton, Nebraska and that an executed copy of said contract be affixed to this resolution and, by reference, made a part of these official Proceedings.

It was then moved by Trustee Doremus with a second from Trustee Oberg to approve and adopt Resolution No. 20-08-13B as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

After further discussion, Chairman Roe indicated it was now time to consider Resolution No 20-08-13C.

RESOLUTION NO. 20-08-13C:

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

1. That the Lease Agreement between the Village of Shelton, Nebraska and Landmark Implement, Inc. of Shelton, Nebraska for a 2020 John Deere 325G Compact Track Loader for the period August 10, 2020 to August 10, 2021 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.

It was then moved by Trustee Oberg to approve and adopt Resolution No. 20-08-13C as presented. This received a second from Trustee Doremus with the vote as follows: Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

8. NUISANCE COMPLAINT REGARDING 104 C STREET. It was discussed that the work is still on going and the outside looks much better. It was then moved by Trustee Doremus, with a second from Trustee Oberg to declare that the property at 104 C Street now does not qualify as a nuisance property. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

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9. NUISANCE COMPLAINT REGARDING 163 C STREET. A complaint had been received about this property due to animals living in or under buildings located there. The animals were migrating to the neighboring properties and burrowing into gardens and under homes. The owner of the property, Arlyn Jones was present and agreed that the animals were a problem. He indicated that he was working on removing the vegetation to help in discouraging their occupancy. He asked for a couple months to finish that project. He presented pictures to the Board to show that the Lumber yard was open storage and that sealing up the buildings did not appear to be the solution. With the help of the Village he would like to trap as many of the animals as possible and hope that the elimination of the vegetation would solve most of the problems. The Board agreed to allow two months for his project and revisit the issue at the October Board meeting.

10. SIGNING OF THE UNDERWRITING ENGAGEMENT AND DISCLOSURE LETTER. After discussion, Chairman Roe indicated it was time to consider Resolution No. 20-08-13D.

RESOLUTION NO. 20-08-13D:

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

1. That the Engagement and Disclosure Letter with the Village of Shelton, Nebraska, and DA Davidson & Co. of Omaha, Nebraska for the Village's proposed offering and issuance of Public Safety Tax Anticipated Bonds, Series 2020 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 Engagement and Disclosure Letter, 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.

It was then moved by Trustee Oberg, with a second from Trustee Doremus, to approve and adopt Resolution No. 20-08-13D as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

11. ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION BONDS SERIES 2020 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$310,000 FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING PUBLIC SAFETY EQUIPMENT (AMBULANCE & RESCUE TRUCK). Since there were only three board members present and therefore, they were unable to suspend the rules of reading the ordinance at three different meetings, it was moved by Trustee Roe to table this agenda item to the September regular board meeting. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

12. RENEWAL OF LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM) MEMBERSHIP. After discussion, Chairman Roe indicated it was time to consider Resolution No. 20-08-13E.

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RESOLUTION NO. 20-08-13E:

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, 2023. (**180 day and 3 year commitment; 5% discount**)

It was then moved by Trustee Doremus, seconded by Trustee Oberg to accept and adopt Resolution No. 20-08-13E as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

13. FINANCIAL-MANAGERIAL WATER SYSTEM ASSESSMENT. Ken Halvosen with the Nebraska Rural Water Association address the Board regarding this water system assessment. He indicated it was a requirement of the State Water Revolving Fund. After our water project is complete, we would need to do another assessment with similar questions. The Board members each had a copy of the assessment which the Village Clerk and Utility Superintendent filled out by answering over 100 question. Mr. Halvosen indicated that the Village was in good shape with the only comment of needing to written procedures in place for the day to day running of the system.

14. NEW CONTRACT WITH BUFFALO COUNTY FOR LAW ENFORCEMENT AND ANIMAL CONTROL. After discussion, Chairman Roe indicated it was time to consider Resolution No. 20-18-13F.

RESOLUTION NO. 20-18-13F:

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

1. That the Law Enforcement Police Services Contract between the Village of Shelton, Nebraska, and Buffalo County Sheriff's Department, Buffalo County Nebraska in the form presented to this Governing Body, be, and the same here 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.

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It was then moved by Trustee Doremus, with a second from Trustee Oberg to approve and adopt Resolution No. 20-08-13F as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

15. APPROVE PAYMENT TO SOUTH CENTRAL ECONOMIC DEVELOPMENT DISTRICT FOR OOR REHAB GRANT ADMINISTRATIVE SERVICES. An invoice from SCEDD for \$1,675 was presented to the board. This was for Administrative Work completed thru 6/30/2020. After discussion it was moved by Trustee Doremus to approve payment of this invoice. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

16. APPROVE REQUEST FOR NAHTF FUNDS RELATING TO THE OOR REHAB GRANT. This request would cover the invoice approved in the last agenda item. It was moved by Trustee Doremus, with a second from Trustee Oberg to approve the request for NAHRF funds as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

17. PAY REQUEST FROM MIDLAND CONTRACTING, INC. Utility Superintendent Sell discussed with the board some of the issues they were running into with the project. Overall, he felt that things will come in near the contract price. Chairman Roe then indicated it was time to consider Resolution No. 20-08-13G.

RESOLUTION NO. 20-08-13G:

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

1. Midland's Contracting, Inc. has theretofore delivered to the Village their invoice consisting of services and materials as of July 31, 2020 for the Water System Improvement Project and the invoice set out below is hereby approved, and the Governing Board finds services have been received by the Village and work has been performed and claims therefore are hereby allowed as follows:

MIDLAND'S CONTRACTING, INC	
Completed & Stored to date	\$371,478.86
Less 10% retainage	(37,147.89)
Less prior payments	(277,520.17)
	<hr/>
Total claim	\$ 56,810.80

2. That the Village Clerk be, and hereby is, authorized and directed to issue and deliver payment in the amount of \$56,810.80 to Midland's Contracting of Kearney, Nebraska within ten days from the date thereof for the work performed as set forth and approved.

It was then moved by Trustee Doremus, with a second from Trustee Oberg to approve and adopt Resolution No. 20-08-13G as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

18. CLAIMS. After review, it was moved by Trustee Doremus, seconded by Trustee Oberg to pay the claims as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar. Motion Carried.

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19. 2020/2021 BUDGET WORK SESSION. Administrative Clerk Doremus presented the line item budget and went over the highlights with the board and department heads.

20. ADJOURNMENT. All agenda items having been considered, Trustee Doremus with a second from Trustee Oberg moved to adjourn the meeting. AYES: Roe, Doremus and Oberg. NAYS: None. ABSENT: Keslar. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 9:02 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 13, 2020 at the Community Room, 219 "C" Street, Shelton, NE 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 published in the Shelton Clipper on August 6, 2020 and posted by Assistant Clerk/Treasurer Lisa Smith on August 10, 2020 in five public places in the Village of Shelton, as follows: Village Office, Cornerstone Bank, Shelton Clipper, Post Office, and Larry's Market.

Dated this 19th day of August 2020.

BONNIE DOREMUS, MMC
VILLAGE CLERK