

# MINUTE RECORD

REGULAR BOARD MEETING  
VILLAGE BOARD OF TRUSTEES  
AUGUST 11, 2022

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 at 7:00 o'clock P.M. on August 11, 2022. In the absent of Village Clerk Doremus, Assistant Village Clerk Lisa Smith was appointed as Acting Clerk.

**ASST CLERK ADMINISTERS OATH OF OFFICE TO NEW BOARD MEMBER.** Asst. Village Clerk Smith administered the Oath of Office to Paul Leibfarth.

Chairman Roe then 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 and led the audience in the Pledge of Allegiance. He then directed the Acting Clerk to call roll which reflected the following: Present: Trustee Roe, Keslar, Oberg, Doremus, Leibfarth. Absent: None.

Notice of this meeting was given in advance thereof by publishing August 4, 2022 in the Shelton Clipper and posting at 10:55 A.M. on August 4, 2022, in five (5) public places in the Village of Shelton, Nebraska, as follows: Larry's Market, Shelton Clipper, Cornerstone Bank, Post Office, 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 advance 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 then moved by Trustee Doremus to approve the consent agenda which included: A) Waive Reading and approve minutes of Regular meeting of July 14, 2022 and Special meeting of July 28, 2022 and B) Accept Financial Report. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**3. REPORTS.** Written and verbal reports were received from the Attorney, Administrative Clerk, Police Department, Utility Department, Library, and Fire Department.

**5. PARK AND POOL ACTIVIES.** Nate Kosse representing the Lions Club discussed the club putting in a sand volleyball court and painting lines on the basketball court so it could also be used for pickle ball. The Trustees discussed with Utility Superintendent Gillming about if there would be a need for extra maintenance to these additions to the park. He stated it would be a minimal amount. After discussion Trustee Keslar made a motion to approve the Lions Club plans with a second from Trustee Oberg. Ayes: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

It being of the hour of 7:13 pm, it was moved by Trustee Doremus, with a second from Trustee Oberg to adjourn the Board of Trustees meeting. Ayes: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**PUBLIC HEARING.** Chairman Roe adjourned the Board of Trustees meeting at 7:13 PM to hold a public hearing to hear comments for or against the adoption of the Planning Commission's recommendation for changes to the Zoning Ordinance. There was no public in attendance to give comments. After discussion and having all concerns expressed, Trustee Doremus moved to close the Public Hearing. This received a second

# MINUTE RECORD

AUGUST 11, 2022  
- PAGE 2 -

from Trustee Keslar with the vote as follows: Ayes: Roe, Doremus, Oberg, Keslar and Leibfarth. Nays: None. Absent: None. Motion Carried

Chairman Roe then adjourned the Public Hearing at 7:17 PM and called the regular Board of Trustees meeting back 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 Asst. Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Oberg, Doremus, Keslar, and Leibfarth. Absent: None.

**4. ORDINANCE TO IMPLEMENT PLANNING COMMISSION'S RECOMMENDED CHANGES TO THE ZONING ORDINANCE.** After consideration and approval of the Planning Commission's recommended changes to the Zoning Ordinance, Chairman Roe then indicated it was time to consider Ordinance No. 854. Whereupon, it was moved by Trustee Oberg, seconded by Trustee Doremus 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. 854 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 Asst. Clerk to call the roll and the following was recorded as the vote on this motion: AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

Further, a motion was made by Trustee Oberg, seconded by Trustee Doremus that the statutory rules in regard to the passage and adoption of Ordinances be suspended, so that said Ordinance No. 854 might be introduced, read by title, and approved and passed at the same meeting. Trustee Oberg called for the question. The Chairman put the question to the vote and instructed the Asst. Clerk to call roll and the following was the vote on this motion: AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

Following the reading of Ordinance No. 854 by title 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 Oberg called for the question as to the approval and passage of Ordinance No. 854 and the following vote was recorded: AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. 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. 854 and declared said Ordinance duly passed and adopted as an Ordinance of the Village of Shelton, Nebraska.

Whereupon, it was moved by Trustee Oberg, seconded by Trustee Doremus that said Ordinance No. 854 be published in pamphlet form. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**5. PARK AND POOL ACTIVIES CONTINUED.** Pool Manager Moeller informed the Board that the pool would be closing on Sunday August 14, 2022. Nancy Lee then addressed the board about putting a memorial bench for her late husband Ray Lee near the baseball field. After discussion with Utility Superintendent Gillming as to the placement of the memorial, Trustee Doremus moved, with a second from Trustee Keslar to approve placing the memorial bench in the park. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**6. COMMITTEE FOR NEW POOL/USE OF ARPA FUNDS.** The Trustees inquired if Pool Manager Moeller knew of residents that would be willing to serve on a new pool committee, she said she had a number of residents she thought would be willing. After discussion the Trustees indicated to Pool Manager Moeller to begin forming a committee that would report directly to the Board. Asst. Clerk Smith then informed the Trustees about Clerk Doremus' discussion with Miller & Associates that the ARPA funds could be used for the feasibility and engineering study for a new pool. After discussion it was moved by

# MINUTE RECORD

AUGUST 11, 2022  
- PAGE 9 -

Trustee Doremus, seconded by Trustee Keslar to approve the use of ARPA funds for the feasibility and engineering study for a new pool. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**7. APPROVAL OF CHURCH SIGN.** After discussion with the Utility Superintendent Gillming, the Trustees agreed that the sign would make a nice addition to the community. Trustees indicated that there needed to be a formal application with approval from the Zoning Administrator and an agreed upon placement from the Nebraska Department of Roads and will postpone the motion to approve until a later meeting.

**8. DESIGNATED PARKING FOR LIBRARY ON "C" STREET.** There was discussion as to the amount of space available/needed and for what length of time should parking be limited. There was also discussion as to what if any repercussions there were for violators. The Trustee directed Police Officer Peterson to research as to what is in our ordinances, Buffalo County and/or State regulations. After much discussion Chairman Roe indicated it was now time to consider Resolutions No. 22-08-11E. This resolution was amended and presented as follows:

## RESOLUTION 22-08-11E

WHEREAS the Village of Shelton has adopted by Ordinance Section 5-403 authorizing the establishment of parking areas upon streets, alleys and public ways by resolution; and

WHEREAS it has been determined that Library Patron parking should be made available along C Street in front of the Library

NOW THEREFORE be it resolved by the Chairman and Board of Trustees of the Village of Shelton, as follows:

1. There is hereby established a 24 hour/7day a week "Library Patrons Only" parking area consisting of three (3) spaces - one of the three to be Handicap Parking - at 313 "C" Street, Shelton, Buffalo County, Nebraska.

2. The street superintendent is hereby directed to post appropriate signs allowing said parking and any other directions to facilitate usage of the parking area.

It was then moved by Trustee Keslar, with a second from Trustee Doremus to approve and adopt Resolution No. 22-08-11E with changes. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**9. SKID STEER LOADER LEASE.** After discussion, Chairman Roe indicated it was now time to consider Resolution 22-08-11.

## RESOLUTION No. 22-08-11:

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

1. That the extension of the Lease Agreement between the Village of Shelton, Nebraska and LandMark Implement for a 2020 John Deere 325G Compact Track Loader for the period August 10, 2022 to August 10, 2023 not to exceed \$6,500.00 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 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 lease extension.

# MINUTE RECORD

AUGUST 11, 2022  
- PAGE 4 -

It was then moved by Trustee Doremus, with a second from Trustee Oberg to approve and adopt Resolution No. 22-08-11 as presented. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**10. PURCHASE OF NEW POLICE RADIO SYSTEM.** After discussion, Chairman Roe indicated it was now time to consider Resolution 22-08-11A.

RESOLUTION NO. 22-08-11A:

WHEREAS, the Governing Body of the Village of Shelton, Nebraska has determined that the maintenance of 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 have the necessary purchase of equipment made.

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, radios for the Police Department, not to exceed \$17,757.00 from Motorola Solutions.

SECTION 2. That the Chairman, Police Chief and Village Clerk are authorized, and directed to acquire the aforementioned equipment 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.

It was then moved by Trustee Doremus, with a second from Trustee Keslar to approve and adopt Resolution No. 22-08-11A as presented. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**11. APPROVE PAYMENT TO MILLER & ASSOCIATES FOR DESIGN OF WATER SYSTEM IMPROVEMENT.** After discussion, Chairman Roe indicated it was now time to consider Resolution 22-08-11B.

RESOLUTION NO. 22-08-11B:

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

1. The Engineers for the Village, Miller & Associates, have theretofore delivered to the Village their invoice No. 22 0530 consisting of survey and design services and preparation of bidding documents as delineated in Section 1.1 through 1.4, through June 2022, per our Agreement dated November 4, 2021 is hereby approved.

2. That the Village Clerk be, and hereby is, authorized and directed to issue and deliver payment in the amount of \$12,500.00 to Miller & Associates 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. 22-08-11B as presented. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

# MINUTE RECORD

AUGUST 11, 2022  
- PAGE 5 -

**12. MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2022.** After discussion, Chairman Roe indicated it was now time to consider Resolution 22-08-11C.

RESOLUTION NO. 22-08-11C:

Whereas: State of Nebraska Statutes, sections 39-2115, 30-2119, 39-2121 and 20-2520(c), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statutes, section 39-2120 also requires that the annual certification program compliance by each municipality shall be signed by the Mayor or Village Board Chairman and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Village Board Chairperson of Shelton is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

It was then moved by Trustee Oberg, with a second from Trustee Doremus to approve and adopt Resolution No. 22-08-11C as presented. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**13. INSURANCE RENEWAL WITH LARM.** After discussion, Chairman Roe indicated it was now time to consider Resolution 22-08-11D.

RESOLUTION NO. 22-08-11D:

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, with a second from Trustee Oberg to approve and adopt Resolution No. 22-08-11D as presented. AYES: Roe, Keslar, Oberg, Doremus and Leibfarth. Nays: None. Absent: None. Motion Carried.

**14. PURCHASE OF NEW LIFT STATION GRINDER.** Utility Superintendent Gillming reported that he still had not received bids back for the replacement grinder. Chairman Roe then indicated any action would need to be postponed to the September meeting.

# MINUTE RECORD

AUGUST 11, 2022  
- PAGE 6 -

**15. 2022/2023 BUDGET.** The board was then presented with the proposed “line item” budget for 2022/2023. After much discussion, it was moved by Trustee Keslar to forward the proposed 2022/2023 “line item” budget to the Village Accountant Janet Rawling to have it prepared for the State required Budget submission. This received a second from Trustee Doremus with the vote as follows: **AYES:** Roe, Keslar, Oberg, Doremus and Leibfarth. **Nays:** None. **Absent:** None. **Motion Carried.**

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

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

RESPECTFULLY SUBMITTED

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LISA SMITH - ACTING  
VILLAGE CLERK

APPROVED:

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WILLIAM C. ROE  
CHAIRMAN

## CERTIFICATION

I, the undersigned, Acting 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 11, 2022 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 posted by myself, Lisa Smith on August 4, 2022 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 22<sup>nd</sup> day of August, 2022.

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LISA SMITH - ACTING  
VILLAGE CLERK