

MINUTE RECORD

REGULAR BOARD MEETING
VILLAGE BOARD OF TRUSTEES
DECEMBER 8, 2022 7:00 PM

The reorganization 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 DECEMBER 8, 2022.

Notice of this meeting was given in advance thereof by publication in the Shelton Clipper on December 1, 2022, and by posting at 10:45 am on November 29, 2022 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.

1. ELECTION OF CHAIRMAN PRO TEMP. Trustee Doremus nominated Trustee Roe as Chairman Pro Temp. This received a second from Trustee Oberg with the vote as follows: AYES: Oberg, Leibfarth, and Doremus. ABSTAINS: Roe ABSENT: Keslar

2. & 3. CALL MEETING TO ORDER AND ROLL CALL Chairman Pro Temp 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 Village Clerk to call roll which reflected the following: Present: Trustee Roe, Oberg, Leibfarth, and Doremus. Absent: Keslar

4. CREDENTIALS OF NEWLY ELECTED BOARD MEMBERS PRESENTED. Acting Clerk collected the credentials from the newly elected board member Leibfarth, Kelsar was absent. Since Trustee Leibfarth was sworn in and served prior, no new oath of office was required.

5. BOARD ELECTS A CHAIRMAN OF BOARD OF TRUSTEES. Trustee Doremus nominated Trustee Roe for the Chairperson position. This received a second from Trustee Oberg with the vote as follows: AYES: Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. ABSTAINS: Roe. It was then declared that William Roe would serve as Chairman of the Board of Trustees.

6. BOARD ELECTS A VICE-CHAIRMAN OF BOARD OF TRUSTEES. Trustee Doremus then nominated Trustee Keslar as Vice-Chairman of the Board of Trustees. This received a second from Trustee Oberg with the vote as follows: AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried. It was then declared that Cliff Keslar would serve as Vice-Chairman of the Board of Trustees.

7. CHAIRMAN NOMINATES CANDIDATES FOR APPOINTED OFFICES FOR BOARD APPROVAL AND APPOINTS STANDING COMMITTEES. Chairman Roe then moved to appoint the following for the appointed offices of the Village:

Village Administrative Clerk (Clerk/Treasurer) – Bonnie Doremus

Chief of Police – Ryan Clark

Utilities Superintendent – Brett Gillming

Administrative Zoning Officer/Official - Not specified. Brett Gillming by default

City Street Superintendent – Reed Miller

MINUTE RECORD

DECEMBER 8, 2022

- PAGE 2 -

Village Attorney – James Truell (Truell, Murray & Associates)
Village Engineer – Miller & Associates, Consulting Engineers
Emergency Management Director – Fire Chief Taryn Hawks

Chairman Roe then moved to appoint the following for the appointed Standing Committees of the Village:

Police Commissioner – Chairman Roe
Street & Alley Committee – Trustees Leibfarth and Keslar
Water & Sewer Committee – Trustees Doremus and Oberg
Board of Health – Chairman Roe, Trustee Keslar and Chief Clark
Pool & Park Committee – Trustees Leibfarth and Oberg

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

8. CHAIRMAN NOMINATES AND REAFFIRMS APPOINTIVE BOARDS, COMMISSIONS AND TERMS FOR BOARD APPROVAL. Chairman Roe moved to appointed and reaffirmed the terms of the Boards and Commissions as follows:

HOUSING AUTHORITY BOARD

(five-member board – five-year terms 2-205)

Henry Brandt	Expires Dec. 2023
Vicki Lewis	Expires Dec. 2024
Tony Crouse	Expires Dec. 2025
Cindy Moninger	Expires Dec. 2026
Sharon Myers	Expires Dec. 2027

LIBRARY BOARD

(five-member board 2-403 – four year terms)

Leanne Lacey	Expires Dec. 2025
Debra Remter	Expires Dec. 2025
Linda VanOrsdall	Expires Dec. 2026
Patty Wiehn	Expires Dec. 2026
Janelle Gegg	Expires Dec. 2023

BOARD OF PARK COMMISSIONERS

(three-member board – one-year term 2-204)

Shilo Oberg
Nathan Kosse
Vacant

PLANNING COMMISSION

(seven-member board – three-year terms 2-202)

Phil Brandt	Expires	Dec. 2023
Cindy Keslar	Expires	Dec. 2023
Vacant	Expires	Dec. 2025
Dwight Walton	Expires	Dec. 2025
Marlin Schroeder	Expires	Dec. 2023
Vacant	Expires	Dec. 2025
Kensie Spellman	Expires	Dec. 2024

MINUTE RECORD

DECEMBER 8, 2022
- PAGE 3 -

TREE BOARD (five-member board – three-year terms 2-213)

Cindy Keslar	Expires December 2025
Philip Brandt	Expires December 2024
Vacant	Expires December 2023
Vacant	Expires December 2022
Vacant	Expires December 2023

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

9. CHAIRMAN DECLARES VACANCIES. Chairman Roe then declared the following vacancies: one on the Board of Park Commissioners, two on the Planning Commission and three on the Tree Board.

10. CHAIRMAN DESIGNATES THE LEGAL NEWSPAPER FOR THE VILLAGE. Chairman Roe then designated the Shelton Clipper as the legal newspaper for the Village.

11. CHAIRMAN DESIGNATES BANK/INVESTMENT DEPOSITORIES FOR THE VILLAGE. Chairman Roe then designated Cornerstone Bank, NPAIT (Nebraska Public Agency Investment Trust) and Union Bank and Trust dba NFIT (Nebraska Financial Investment Trust) as depositories for the Village.

12. CONSENT AGENDA. It was then moved by Trustee Doremus to approve the consent agenda which included: A) Waive reading and approve minutes of the regular meeting of November 10, 2022. B) Accept Financial Report and C) Approve S. Schrage as a new member of the SVFR. This received a second from Trustee Oberg with the vote as follows: AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried.

13. REPORTS: Written and verbal reports were received from the Attorney, Administrative Clerk and Utility Superintendent.

14. NEW RETIREMENT PLAN. It was explained this is to establish the new retirement plan would be through Edward Jones Investments. After discussion, Chairman Roe indicated it time to consider Resolution No. 22-12-08

RESOLUTION NO. 22-12-08:

WHEREAS, The Village of Shelton offers all full-time employees a retirement plan, according to the Village's personnel manual.

WHEREAS, after investigation of the facts and discussion of the alternatives, the Governing Body has decided to provide a SIMPLE (Savings Incentive Match Plan for Employees) IRA, and will do so through Edward Jones Investments.

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

SECTION 1. That the Chairman and Clerk 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 such determination.

It was then moved by Trustee Oberg, with a second from Trustee Doremus to approve and adopt Resolution No. 22-12-08 as presented, with the vote as follows: AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried.

MINUTE RECORD

DECEMBER 8, 2022

- PAGE 4 -

15. DECLARING PROPERTY AS SURPLUS (CHRISTMAS DECORATIONS & 2003 FORD PICKUP). Utility Superintendent Gillming explained that with the donation of new Christmas street lights and him purchasing a new pickup, these were items that were no longer needed. After discussion, Chairman Roe indicated it was time to consider Resolution 22-12-08F

with the following changes: check box for sealed bid and to open bidding 30 days after receipt of new pickup and to leave bidding open for 30 days.

RESOLUTION 22-12-08F:

WHEREAS, the Village of Shelton is the owner of certain personal property described as 2003 Ford F-150 Pickup formally used by the utility department.

WHEREAS, said personal property is no longer useful for the purpose for which it was intended; and

WHEREAS, it is the best interests of the Village of Shelton that such personal property be sold.

NOW THEREFORE, BE IT RESOLVED by the Chairman and Board of Trustees of the Village of Shelton, Buffalo County, Nebraska, as follows:

1. The surplus property described as 2003 Ford F-150 Pickup shall be sold in an “as is condition” without warranty, expressed or implied by:

private sale, by set price or negotiated offer through the Village Clerk; or

sealed bid to be received no later than 30 days after the Notice for Sale has been posted, at the office of the Village Clerk.

2. The Village Clerk is hereby directed to post Notice of Sale in three prominent places within the Community and publish such Notice of Sale one time within 30 days of receipt of newly purchased truck.

It was then moved by Trustee Doremus, with a second from Trustee Oberg to approve Resolution 22-12-08F with changes. **AYES:** Roe, Oberg, Leibfarth and Doremus. **NAYS:** None. **ABSENT:** Keslar. Motion Carried.

After discussion, Chairman Roe indicated it was time to consider Resolution 22-12-08E with the following changes: add date of April 30, 2022 and take out “publish such notice of sale.”

RESOLUTION 22-12-08E:

WHEREAS, the Village of Shelton is the owner of certain personal property described as Christmas street decorations; A) 24 – 6’ candles, B) 30 – 5’ candles.

WHEREAS, said personal property is no longer useful for the purpose for which it was intended; and

WHEREAS, it is the best interests of the Village of Shelton that such personal property be sold.

NOW THEREFORE, BE IT RESOLVED by the Chairman and Board of Trustees of the Village of Shelton, Buffalo County, Nebraska, as follows:

1. The surplus property described as Christmas street decorations;
A) 24 – 6’ candles
B) 30 – 5’ candles

MINUTE RECORD

DECEMBER 8, 2022

- PAGE 5 -

shall be sold in an “as is condition” without warranty, expressed or implied by private sale, by set price or negotiated offer through the Village Clerk.

2. The Village Clerk is hereby directed to post Notice of Sale in three prominent places within the Community one time on or before April 30, 2023.

It was then moved by Trustee Doremus, with a second from Trustee Oberg to approve Resolution 22-12-08E with changes. AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried.

16. BALL FIELD LIGHTS. Utility Superintendent Gillming updated the board on the rewiring of the baseball field lights. He stated that he is in contact with an electrician and the state electrical inspector. He is waiting for an estimate but was estimating that the cost would be more that the Village could budget for in one year. The Trustees discussed reaching out to area non-profits for help.

17. POLICY TO PAY PAYROLL EXPENSES BEFORE VILLAGE APPROVAL OF CLAIMS. It was explained that this is to adjust our policy to allow payment of payroll without the necessary approval of claims beforehand. After discussion, Chairman Roe indicated it was now time to consider Resolution 22-12-08A.

RESOLUTION 22-12-08A:

A RESOLUTION ESTABLISHING A POLICY FOR THE PAYMENT OF PAYROLL AND ASSOCIATED EXPENSES PRIOR TO THE APPROVAL OF CLAIMS BY THE VILLAGE OF SHELTON BOARD OF TRUSTEES.

WHEREAS, at each Village Board meeting, the Village Board approves claims submitted to the Village Board for payroll; and

WHEREAS, the Fair Labor Standards Act states that employees must be paid in a timely manner and Neb. Rev. Stat. 48-1230 states that regular paydays must be maintained; and

WHEREAS, Neb. Rev. Stat. 16-726 and Neb. Rev. Stat. 17-714 state that all claims and accounts payable against the Village are required to be presented in writing, state the name and address of the claimant and the amount of the claim, and fully and accurately identify the items or services for which payment is claimed or the time, place, nature, and circumstances giving rise to the claim; and

WHEREAS, the Village Board desires to adopt a policy with respect to payroll claims.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Shelton, Nebraska that; to maintain adequate fiscal policy safeguards and allow for the payment of payroll claims prior to approval by the Village Board, the Village Board of Shelton desires to adopt the following policy with respect to such claims:

Section 1. Unless otherwise provided, it shall be the normal policy to submit a claim for payroll and associated expenses to the Village Board for approval before payment is allowed.

Section 2. Specific claims authorized for payment prior to Village Board approval are:

- a) Village employee payroll and all associated state and federal taxes;
- b) Village employee benefits including health and retirement; and
- c) Village employee payroll processing fees.

Section 3. Specific claims authorized for payment prior to Village Board approval are required to include the employees' name, gross salary or gross hourly rate, and maximum hours allowed for the pay period.

DECEMBER 8, 2022

MINUTE RECORD

- PAGE 6 -

Section 4. All hours worked and submitted for payroll shall be approved by the immediate supervisor of said employees and also by the Village Clerk.

It was then moved by Trustee Oberg, with a second from Trustee Doremus to approve Resolution 22-12-08A as presented. AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried.

18. APPROVE PAYMENT TO MILLER & ASSOCIATES FOR CONSTRUCTION PHASE SERVICES FOR WATER SYSTEM IMPROVEMENTS. After discussion, Chairman Roe indicated it was now time to consider Resolution 22-12-08B.

RESOLUTION 22-12-08B:

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 1014 consisting of construction phase services through September 2022 for the Water System Improvements 2021, as 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 \$12,608.60 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 Resolution 22-12-08A as presented. AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried.

19. RESURFACING OF AYRES STREET. The Trustees discussed each option and without knowing if the street can withstand being milled, Trustee Roe and Utility Superintendent Gillming were instructed to keep working with the engineers to find out what options are available to repair the street and work with our attorney to make a counteroffer. After discussion, Chairman Roe indicated it was now time to consider Resolution 22-12-08C with an "X" marked for the option that neither proposal is satisfactory at this time.

RESOLUTION NO. 22-12-08C:

WHEREAS, the Village of Shelton, Nebraska entered into a contract with Diamond Engineering Company for purpose of making improvements to Andrews Subdivision referred to as Ayres Street Water/Sewer Improvements Project No 116-C1-017; and

WHEREAS, during the course of construction of said project, Diamond Engineering Compay damaged the pavement of Ayres Street resulting in the need for substantial repairs; and

WHEREAS, The Diamond Engineering Co., has proposed to remedy the damages in two alternative methods.

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

- [] That The Diamond Engineering Co. and the Village of Shelton shall enter into an Agreement for Ayres Street to be milled to a depth of one and one-half inches and a new lift of asphalt installed in the spring of 2023, all at the cost of The Diamond Engineering Co.

DECEMBER 8, 2022

MINUTE RECORD

- PAGE 7 -

[] That The Diamond Engineering Co. will amend it's claim under the contract for the project aforesaid by reducing the same by the sum of Twelve Thousand Dollars (\$12,000.00).

[X] That neither proposal is satisfactory to resolving the dispute between the parties, and that further negotiations continue.

It was then moved by Trustee Doremus, with a second from Trustee Leibfarth to approve Resolution 22-12-08E with changes. AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried.

20. AYRES STREET WATER/SEWER IMPROVEMENTS PAY REQUEST FROM DIAMOND ENGINEERING CO. After discussion, it was determined that the board needed more information concerning the certificate of substantial completion, when water testing the new line will be completed and how much the damage to Ayres Street could cost to repair.

It was then moved by Trustee Doremus, with a second by Trustee Leibfarth to not approve the pay request at this time. With the vote as follows: AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried.

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

22. ADJOURNMENT. All agenda items having been considered, Trustee Doremus, with a second from Trustee Oberg, moved to adjourn the meeting. AYES: Roe, Oberg, Leibfarth and Doremus. NAYS: None. ABSENT: Keslar. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 8:00 P.M.

RESPECTFULLY SUBMITTED

LISA SMITH
ACTING VILLAGE CLERK

APPROVED:

WILLIAM C. ROE
CHAIRMAN

MINUTE RECORD

DECEMBER 8, 2022
- PAGE 8 -

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 November 10, 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 Assistant Clerk Smith on November 29, 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 19th day of December, 2022.

LISA SMITH
ACTING VILLAGE CLERK