

# MINUTE RECORD

REGULAR BOARD MEETING  
VILLAGE BOARD OF TRUSTEES  
MAY 10, 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 May 10, 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, Doremus and Keslar. Absent: Oberg. Village Attorney Jim Truell was also present.

Notice of this meeting was given in advance thereof by publication in the Shelton Clipper on May 3, 2018 and by posting at 2:30 am on May 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 Holly 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 April 12, 2018. Roll call by clerk resulted as follows: AYES: Roe, Holley, Doremus and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

**3. PLACING CITY SALES TAX ISSUE ON BALLOT IN NOVEMBER 2018.** After much discussion the Village Attorney was directed to draft wording to ask for sales tax of 1½ % with funds to go to Economic Development and Streets and Infrastructure.

**4. ANNEXATION OF PROPERTIES.** After discussion it was directed to have some of the Village Staff to get together to draw some new boundaries to see what land could be considered.

It being of the hour of 7:29 PM, it was moved by Trustee Holley, with a second from Trustee Keslar to adjourn the Board of Trustees' meeting for the purpose of reconvening as the Board of Adjustments. AYES: Roe, Holley, Doremus and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

## **5. BOARD OF ADJUSTMENTS MEETING**

**5A.** The Board of Adjustments meeting was called to order by Chairman Roe with a roll call reflecting the following: Present: Roe, Holley, Doremus and Keslar. Absent: Oberg. Chairman Roe then informed the public of the Open Meetings Law posted in the back of the room.

# MINUTE RECORD

MAY 10, 2018

- PAGE 2 -

**5B.** 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 Holley with the vote as follows: AYES: Roe, Holley, Doremus and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

**5C. PUBLIC HEARING RE: REQUEST FOR A VARIANCE FROM THE MAXIMUM HIEGHT REQUIREMENTS BY MATTHEW AND ALICE RABBE** for a garage/storage/shop building described as Lots 1, 2, 3, Block 23, Third Addition to Shelton, Buffalo County, Nebraska, or more commonly known as 601 Fourth Street, Shelton, Nebraska. Matthew Rabbe was present to present his proposal for the building which was designed to have a loft which would place the height of the structure at 28 feet.

**5D.** After discussion 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, Doremus and Keslar. Absent: Oberg. Chairman Roe then informed the public of the Open Meetings Law posted in the back of the room.

**5E. VARIANCE APPLICATION FROM THE MAXIMUM HIEGHT REQUIREMENTS BY MATTHEW AND ALICE RABBE** for a garage/storage/shop building. After discussion Trustee Doremus moved to approve and adopt Resolution BA-46 as presented:

## RESOLUTION BA-46:

WHEREAS, an application has been received from MATTHEW AND ALICE for a variance from the maximum height requirements for a garage/storage building on property described as lots 1, 2 & 3, Blk 23, 3<sup>rd</sup> Addition, Shelton, Buffalo County, Nebraska, or more commonly known as 601 4<sup>th</sup> 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.

# MINUTE RECORD

MAY 10, 2018

- PAGE 3 -

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 MATTHEW AND ALICE RABBE from the maximum height requirements for a garage/storage building on property described as lots 1, 2 & 3, Blk 23, 3<sup>rd</sup> Addition, Shelton, Buffalo County, Nebraska, or more commonly known as 601 4<sup>th</sup> 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 Holley with the vote as follows: AYES: Roe, Holley, Doremus and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

5F. 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, and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 7:37 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 7:37 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, Doremus and Keslar. Absent: Oberg.

**6. CHANGE ZONING ORDINANCE FOR HEIGHT RESTRICTIONS.** It was discussed that most likely there would be more requests for variances from the maximum height restrictions due to Recreation Vehicles being taller, etc. After further discussion it was directed to have an ordinance prepared for the next meeting to change the maximum height restrictions for auxiliary buildings in residential areas to 30 feet.

**18. REVIEW OF NEOC DISCRIMINATION COMPLAINT.** It was moved by Trustee Keslar to adjourn to executive session due to possible litigation. This received a second from Trustee Doremus with the vote as follows: AYES: Roe, Holley, Doremus, and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried. Chairman Roe then adjourned the Trustees meeting to go into executive session due to possible litigation at 7:44 pm.

The Trustees returned from executive session at 7:51 pm with Chairman Roe call the meeting back to order and roll call reflecting the following: Present: Trustees: Roe, Holley, Doremus and Keslar. Absent: Oberg.

# MINUTE RECORD

MAY 10, 2018

- PAGE 4 -

**7. SALE OF LOTS 6 & 7, BLK 5, CAMPBELLS 1<sup>ST</sup> ADDITON.** An e-mail from Sharon Hueftle of the South Central Economic Development District indicated that they received most of their grant funding for the Housing project on these lots. She indicated that they still need to work through contract negotiations and the release of funds but will be working on the project here in the near future.

**8. SALE OF OTHER VILLAGE OWNED LOTS.** The lots along Highway 30 and their value were discussed.

VILLAGE ATTORNEY TRUPELL LEFT THE MEETING AT 8:15 PM

**9. DRUG TESTING POLICY.** After discussion, Chairman Roe declared it was time to consider Resolution No. 18-05-10:

RESOLUTION NO 18-05-10:

WHEREAS, a revision in the Drug Free Workplace policy within the Personnel Manual of the Village of Shelton has been reviewed by the Chairman and the Board of Trustees; and

WHEREAS, the Chairman and Board of Trustees of the Village of Shelton, Nebraska hereby determines that it is in the best interest of the citizens of the Village of Shelton, Nebraska to revise this area of the personnel manual for its employees beginning June 1, 2018.

NOW THEREFORE, BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF SHELTON, NEBRASKA, that a revision to the area regarding a Drug Free Workplace within the Personnel Policy Manual shall be made to read as follows:

### III. DRUG FREE WORKPLACE:

It is the Village's policy to maintain a safe, productive working environment for everyone, and to safeguard Village property.

The Village of Shelton, in regards to the personnel manual, notifies its employees that all Village buildings, equipment and vehicles are considered to be smoke free and the smoking of tobacco products in such, by employees is prohibited.

As part of this policy, the Village prohibits the use, sale, transfer or possession of alcohol, drugs, or controlled substances on any Village premises or municipal work sites. In addition, the Village prohibits any employee from being at work under the influence of alcohol, drugs or controlled substances. The Village also prohibits any visitor, contractor, or employee of any contractor from being on Village premises or municipal work sites while under the influence of alcohol, drugs, or controlled substances. For purposes of this policy the following definitions are applicable:

1. Alcohol. Alcohol includes all intoxicating beverages that contain alcohol, including beer and wine.
2. "Drugs" and "Controlled Substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations.

# MINUTE RECORD

MAY 10, 2018

- PAGE 5 -

Generally, these are drugs which have a high potential for abuse. Such drugs included, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and Crack. They may also include “legal drugs” which are not prescribed by a licensed physician and which carry a warning about the effect they may have on operation of machinery, heavy equipment and driving. Any question about whether a substance is a drug or controlled substance should be directed to your supervisor.

Anyone taking drug or other medication, whether or not prescribed by the employee’s physician for medical conditions, which is known or advertised as possibly affecting or impairing judgment, coordination, or other senses or which may adversely affect the ability to perform work in a safe and productive manner, must notify his or her supervisor or other Village official prior to starting work. The supervisor or Village official will decide if the employee can remain at work on the Village’s premises or municipal work site and what work restrictions. If any, are deemed necessary.

To ensure that an employee is not engaging in current illegal use of drugs and to determine compliance with this policy, the Village may require random drug testing of any of its employees. Refusal to submit to drug testing when reasonably requested shall give rise to a presumption of a violation of this policy.

Any employee who violates or refuses to comply with this policy may be disciplined which may include discharge from employment with the Village.

It was then moved by Trustee Keslar, with a second from Trustee Holley to approve and adopt Resolution No. 18-05-10 as presented. AYES: Roe, Holley, Doremus, and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

**9A. CONTRACT FOR RANDOM TESTING.** Village Clerk Doremus reported that she had a quote from WPCI of Kearney and one from Diversified Drug Testing LLC. After discussion, it was moved by Trustee Doremus to contract with WPCI of Kearney to do our random drug testing. This received a second from Trustee Keslar with the vote as follows: AYES: Roe, Holley, Doremus, and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

**10A. MILLER & ASSOCIATES FIELD OBSERVATION SERVICES.** A quote from Miller & Associates field observation services for the water tower work to be done by Maguire Iron was presented. The hourly rate was not to exceed \$8,000. Trustee Doremus felt this was reasonable for the size of the project (painting the tower inside and out). Trustee Keslar felt that the Bonding company would protect us against any type of a “poor job” done by Maguire Iron. It was discussed when the acceptance of the work was done – at the time of payment or at the end of the contract or when the work was completed. After further discussion it was decided to postpone any action on this until the next meeting to allow time to investigate further and to receive some council from the attorney.

**10. MAGUIRE IRON CONTRACT ADDENDUM #1.** Village Clerk Doremus reported that she had received a revision of the addendum we had presented to Maguire Iron which just added a payment schedule to the contract. After discussion Chairman Roe indicated it was time to consider Resolution No. 18-05-10A.

# MINUTE RECORD

MAY 10, 2018

- PAGE 6 -

RESOLUTION NO. 18-05-10A:

## ADDENDUM #1 TO SERVICE CONTRACT DATED JUNE 9, 2016

This addendum is entered into by and between Maguire Iron Inc., a South Dakota Corporation with its principle office located in Sioux Falls, South Dakota, herein referred to as "Contractor" and the Village of Shelton, Nebraska, hereinafter referred to as the "Owner".

WHEREAS the parties previously entered into an agreement on June 9, 2016 (execution date), for purposes of providing services in regard to the Owner's 200,000 gallon elevated water storage sphere; and

WHEREAS said contract specifically identifies that payment is to be made upon completion and acceptance (execution date) by Owner of the work performed each year;

NOW THEREFORE in further consideration of the terms and conditions set forth in the agreement of June 9, 2016, Owner and Contractor mutually agree to alter payment dates to October of each annual period as shown in attached table page (table 1).

It was then moved by Trustee Doremus, with a second from Trustee Holley to approve and adopt Resolution No. 18-05-10A as presented. AYES: Roe, Holley, Doremus, and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

**11. FINANCIAL/AUDIT REPORTS.** Village Clerk Doremus went over some of the financial items and reinvestments which she had made with the Village funds, as well as explaining that her office was working to remedy some of the concerns the audit report pointed out.

**11A. BUDGET PREPERATION.** A quote from Janet Rowling, CPA was presented to the board. Ms. Doremus indicated that her charge for the next three years to do the budget was in line with others. Although she has not met Ms. Rowling in person, they have visited on the phone and she felt she would have no problems working with her on the budget process. After discussion, it was moved by Trustee Keslar with a second from Trustee Doremus to hire Janet Rowling to prepare out budget for the next three years. AYES: Roe, Holley, Doremus, and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried.

**12. ATTORNEY REPORT/DEPARTMENT HEAD REPORTS.** No report had been received from the attorney. Administrative Clerk Doremus and Utility Superintendent Sell gave both oral and written reports to the Board.

**13. FIRE DEPARTMENT COMMUNICATIONS.** Fire Chief Jason Wiehn reported on the meeting and progress of the Emergency Medical Responders (EMR) course.

**14. LION CLUB COMMUNICATIONS/COURT LIGHTS.** It was brought to the Board's attention that several residents in the area of the Basketball court were complaining about the brightness of the new lights and the fact they were left on all night. It was explained

# MINUTE RECORD

MAY 10, 2018

- PAGE 7 -

that the reason for the light being left on all night was that they are on an “eye” which turned them on and off at the same time as the street lights. Options of lower bulbs or “shield” on the lights might help with the brightness. The village staff was directed to find out what options were available and report back at the next meeting.

**15. PLANNING COMMISSION/SECD BOARD COMMUNICATIONS.** Trevor Reeder reported that they were working with the South Central Economic Development District (SCDD) to get a draft of some new zoning regulations for the board’s approval.

**16. HIRING OF/AND AN ORDINANCE TO SET WAGES FOR 2018 PART TIME SUMMER HELP.**

After much discussion as to the wages, an agreement as to what wages would be given was reached and Chairman Roe indicated it was time to consider Ordinance No. 814. Whereupon, it was moved by Trustee Doremus, seconded by Trustee Keslar 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. 814 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, Doremus and Keslar. **NAYS:** None. **ABSENT:** Oberg. Whereupon the chairman declared the Motion Carried.

Further, a motion was made by Trustee Doremus, seconded by Trustee Keslar that the statutory rules in regard to the passage and adoption of Ordinances be suspended, so that said Ordinance No. 814 might be introduced, read by title, and approved and passed at the same meeting. Trustee Doremus 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 and Keslar. **NAYS:** None. **ABSENT:** Oberg. Whereupon, the Chairman declared the Motion Carried.

Following the reading of Ordinance No. 814 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 Doremus called for the question as to the approval and passage of Ordinance No. 814 and the following vote was recorded: **AYES:** Roe, Holley, Doremus and Keslar. **NAYS:** None. **ABSENT:** Oberg. Whereupon, the Chairman declared that four members of the Board having voted in the affirmative for the passage and approval of Ordinance No. 814 and declared said Ordinance duly passed and adopted as an Ordinance of the Village of Shelton, Nebraska.

Whereupon, it was moved by Trustee Doremus, seconded by Trustee Keslar that said Ordinance No. 814 be published in pamphlet form. **AYES:** Roe, Holley, Doremus and Keslar. **NAYS:** None. **ABSENT:** Oberg. Motion Carried.

**17. JUNE EMPLOYEE EVALUATIONS.** It was discussed that each Trustee would evaluate and comment on the performance of the department heads and then two Trustees would then sit down and do the formal evaluation with each. The Department Heads were then responsible for evaluating the employees they were in charge of.

# MINUTE RECORD

MAY 10, 2018

- PAGE 8 -

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

**20. ADJOURNMENT.** All agenda items having been considered, Trustee Keslar with a second from Trustee Holley moved to adjourn the meeting. AYES: Roe, Holley, Doremus, and Keslar. NAYS: None. ABSENT: Oberg. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 9:25 P.M.

RESPECTFULLY SUBMITTED

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BONNIE DOREMUS, MMC  
VILLAGE CLERK

APPROVED:

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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 May 10, 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 2:30 P.M. on May 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 16th day of May, 2018.

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BONNIE DOREMUS, MMC  
VILLAGE CLERK



# MINUTE RECORD

MAY 10, 2018

- PAGE 9

## CLAIMS:

ANGELA KEISER LLC	WEBSITE HOSTING/DOMAIN	200.00
AURORA COOPERATIVE	FERTILIZER	364.80
BLACK HILLS ENERGY	MONTHLY SERVICE	517.20
BUFFALO CO SHERIFF'S OFFICE	LAW ENFORCEMENT CONTRACT	1,211.34
CENTER POINT LARGE PRINT	NEW BOOKS	56.31
CENTRAL DIST. HEALTH DEPARTMEN	WATER TESTS	148.50
CENTRAL FIRE & SAFTEY	R/M EQUIP	145.50
CHARTER COMMUNICATIONS	MONTHLY SERVICE	154.99
CHEMSEARCH	R/M SEWER	1,420.00
CINDY BRANDT	CLEANING	275.00
CITY OF SHELTON	WATER	221.82
CLIPPER PUBLISHING,INC	NOTICES/MINUTES	248.63
CONSOLIDATED MANAGEMENT CO	ED-POL/TRAINING	181.93
CONSTRUCTION RENTAL G.I.	SUPPLIES	95.00
CUTTING EDGE CLEANING	CLEANING-COMM ROOM	120.00
DEARBORN NATIONAL LIFE	INS/FIREMEN	55.04
DEMCO, INC	OPERATING SUPPLIES	29.53
DETERDINGS KRNY	R/M POOL	170.99
EFTPS	FED/FICA TAX	6,771.06
HEARTLAND DISPOSAL	GARBAGE COLLECTION	3,416.48
HI-TECH INC.	R/M SEWER	70.00
ISLAND SPRINKLER SUPPLY	R/M PARKS-SPRINKLERS	181.00
K & K CONVENIENCE STORE	APR FUEL	539.11
K & K CONVENIENCE STORE	FIRE DEPT ACCT-MAR FUEL	291.62
LARM	WORKERS COMP/FINAL AUDIT	175.93
LARRY'S MARKET	SUPPLIES	38.16
LASERTEC OF NE, INC	PAGEPACK CONTRACT	278.36
LEAGUE OF NEB MINICIPALITIES	ED-ACCT/FIN CONE-B DOREMUS	940.00
LOCKMOBILE	R/M GRASS DISPOSAL SITE	44.00
MCI	MONTHLY SERVICE	31.83
MENARDS KEARNEY	SUPPLIES-R/M SEWER	213.33
NE CENTRAL TELEPHONE CO	MONTHLY SERVICE	503.41
NEBRASKA DEPT OF REVENUE	SALES TAX	2,075.83
NE PUBLIC HEALTH ENVIRO LAB	WATER TEST	237.00
NE DEPT OF REV-STATE TAX WHOLD	STATE TAX	964.68
NEBRASKA PUBLIC POWER DIST	MONTHLY SERVICE	5,346.22
ONE CALL CONCEPTS	APR LOCATES	9.09
PARAMOUNT LINEN & UNIFORM	OFFICE EXP	49.15
PETTY CASH	POSTAGE	300.46
POLICE PETTY CASH	R/M-SUPER SHINE	112.68
PRESTO X	PEST CONTROL	35.00
SARGENT DRILLING CO.	EFFICIENCY TEST	706.55
SECURITY BENEFIT LIFE	457	399.00
SHELTON VFD	EDUCATION-FIRE DEPT	590.00
SHREDDING SOLUTIONS	OFFICE EXP	547.40
STEINBRINK LANDSCAPING	TREE	187.49
TRUELL, MURRY & ASSOC	ATTORNEY SERVICES	30.00
US BANK	SPEC PROG-DEMCO	269.12
VERIZON	MONTHLY SERVICE	403.78
WILLIS REPAIR	SUPPLIES	169.94

TOTAL ACCOUNTS PAYABLE \$31,644.26