

# MINUTE RECORD

SPECIAL AND REGULAR BOARD MEETINGS  
VILLAGE BOARD OF TRUSTEES  
SEPTEMBER 14, 2023

The special and regular meetings 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 September 14, 2023.

Vice Chairman Keslar then called the special 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 Doremus to call roll which reflected the following: Present: Trustee Keslar, Oberg and Leibfarth. Absent: Roe.

Notice of this meeting was given in advance thereof by posting at 10:45 A.M. on September 7, 2023, 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.

**APPOINTMENT OF ISAAC ANDERSON TO TRUSTEE VACANCY AND ADMINISTERING OATH OF OFFICE.** A letter from Chairman Roe was read appointing Isaac Anderson as Trustee to the Village Board to fill the vacancy created with the resignation of David Doremus. Village Clerk Doremus administered the Oath of Office and Trustee Anderson took his seat on the Board.

**7:00 P.M. PUBLIC HEARING FOR PROPOSED 2023/2024 BUDGET.** It being of the hour of 7:00 PM o'clock, Vice Chairman Keslar adjourned the Board of Trustees Meeting and called to order a Public Hearing to hear comments for or against the proposed 2023/2024 budget. Janet Rowling, CPA, PC addressed the Board with regards to the lid laws, restricted funds and any other questions the Trustees and the Public had as they reviewed the proposed 2023/2024 Budget. After discussion and addressing any concerns and hearing no further public comments, Vice Chairman Keslar declared the public hearing closed at 7:15 PM and called the 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 and directed a roll call which reflected as follows: Present: Vice Chairman Keslar and Trustees Oberg, Anderson and Leibfarth. Absent: Roe.

It was then moved by Trustee Oberg, with a second from Trustee Leibfarth to adjourn this special meeting. **AYES:** Leibfarth, Oberg, Anderson and Keslar. **NAYS:** None. **ABSENT:** Roe. Motion Carried and meeting was adjourned at 7:16 PM.

A regular meeting of the Chairman and Board of Trustees was then convened immediately following the adjournment of the special meeting with a roll reflecting the following: Present: Vice Chairman Keslar and Trustees Oberg, Anderson and Leibfarth. Absent: Roe. In order to hold a Public Hearing relating to the property tax request, Vice Chairman Keslar adjourned the Board of Trustees Meeting and called to order a Public Hearing to hear comments relating to the property tax request for the 2023/2024 budget. Hearing no comments or questions from the Public, Vice Chairman Keslar declared the public hearing closed at 7:18 PM and called the 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 and directed a roll call which reflected as follows: Present: Vice Chairman Keslar and Trustees Oberg, Anderson and Leibfarth. Absent: Roe.

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**2A. MOTION TO EXCEED ALLOWABLE GROWTH RATE 1% FOR 2023/2024 BUDGET.** After discussion, it was moved by Trustee Oberg with a second from Trustee Leibfarth to exceed the allowable growth rate by an additional 1% for the 2023/2024 budget. AYES: Oberg, Anderson, Leibfarth and Keslar. NAYS: None. ABSENT: Roe. Motion Carried.

**2B. RESOLUTION TO SET FORMAL PROPERTY TAX REQUEST FOR 2023/2024 BUDGET.** Vice Chairman Keslar then indicated it was time to consider Resolution No. 23-09-14.

RESOLUTION NO. 23-09-14:

WHEREAS, Nebraska Revised Statue 77-1601.02 provides that the Governing body of the Village of Shelton passes by a majority vote a resolution or ordinance setting tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

NOW, THEREFORE, The Governing Body of the Village of Shelton resolves that

- 1) The property tax request for the fiscal year 2023/2024 be set as follows:

General	\$366,913.80
Bond	\$127,695.31
Total	\$494,609.11

- 2) The total assessed value of property differs from last year's total assessed value by 10.0 percent.
- 3) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property would be .625868 per \$100 of assessed value.
- 4) The Village of Shelton proposes to adopt a property tax request that will cause the tax rate to be .678839 per \$100 of assessed value.
- 5) Based on the proposed property tax request and changes in other revenue, the total operating budget of the Village of Shelton will decrease from last year's distributions by 1.0 percent
- 6) A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2023.

It was then moved by Trustee Oberg to approve and adopt Resolution No. 23-09-14 as presented. This received a second from Trustee Leibfarth with the vote as follows: AYES: Leibfarth, Oberg, Anderson and Keslar. NAYS: None. ABSENT: Roe. Motion Carried.

**2C. ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL AND APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITIES.** Vice Chairman Keslar indicated it was now time to consider Ordinance No. 863. Whereupon, it was moved by Trustee Oberg seconded by Trustee Leibfarth that the minutes of the proceedings of the Vice Chairman and Board of Trustees of the Village of Shelton, Buffalo County, Nebraska, in the matter of passing and approving Ordinance No. 863 be preserved and kept in a separate and distinct volume known as "Ordinance Record,

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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 Vice Chairman instructed the Village Clerk to call the roll and the following was recorded as the vote on this motion: AYES: Anderson, Keslar, Oberg and Leibfarth. NAYS: None. ABSENT: Roe. Whereupon the Vice Chairman declared the Motion Carried.

Further, a motion was made by Trustee Oberg, seconded by Trustee Leibfarth that the statutory rules in regard to the passage and adoption of Ordinances be suspended, so that said Ordinance No. 863 might be introduced, read by title, and approved and passed at the same meeting. Trustee Oberg called for the question. The Vice Chairman put the question to the vote and instructed the Village Clerk to call roll and the following was the vote on this motion: AYES: Anderson, Keslar, Oberg and Leibfarth. NAYS: None. ABSENT: Roe. Whereupon, the Vice Chairman declared the Motion Carried.

Following the reading of Ordinance No. 863 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. 863 and the following vote was recorded: AYES: Anderson, Keslar, Oberg and Leibfarth. NAYS: None. ABSENT: Roe. Whereupon, the Vice Chairman declared that four members of the Board having voted in the affirmative for the passage and approval of Ordinance No. 863 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 Leibfarth that said Ordinance No. 863 be published in pamphlet form. AYES: Anderson, Keslar, Oberg and Leibfarth. NAYS: None. ABSENT: Roe. Motion Carried.

**3. CONSENT AGENDA.** It was then moved by Trustee Oberg to approve the consent agenda which included: A) Waive Reading and approve minutes of Regular meeting of August 10, 2023 and B) Accept Financial Report. This received a second from Trustee Keslar with the vote as follows: Ayes: Keslar, Oberg, Leibfarth and Anderson. Nays: None. Absent: Roe. Motion Carried.

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

**5. DESIGNATED LIQUOR LICENSE FOR OCTOBER 6, 2023.** The Committee for the Community Pool Project reported that they are now planning a Tailgate Party” as a fundraiser for October 6, 2023 at the Tennis Courts. The alternative site would be the American Legion Hall. Copper Penny is now applying for the Designated Liquor License for the event and would like the board’s approval for such. After discussion, it was moved by Trustee Anderson to recommend approval to the Liquor Commission for Copper Penny’s Designated Liquor License for October 6, 2023. This received a second from Trustee Oberg with the vote as follows: Ayes: Keslar, Oberg, Anderson and Leibfarth. Nays: None. Absent: Roe. Motion Carried.

**6. SWIMMING POOL STUDY UPDATE.** An update on the Pool Study was presented. It was also a reminder of the Public Input Meeting scheduled for September 27<sup>th</sup> at 7:30.

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**7. "MERRY & BRIGHT" CELEBRATION IN DECEMBER.** The Lions Club presented a letter asking the board to approve the "Merry & Bright" celebration in the downtown area again this year for December 3, 2023. They were hoping the Utility Department could have the Christmas lights up by then and they could also block off the main street (for safety reasons). After discussion, it was moved by Trustee Oberg to approve the event and the blocking off of the main street. This received a second from Trustee Leibfarth with the vote as follows: Ayes: Keslar, Oberg, Anderson and Leibfarth. Nays: None. Absent: Roe. Motion Carried.

**8. FRIENDS OF THE LIBRARY COUNTY ARPA FUNDS REQUEST FOR UPDATING THE PARKING LOT AND PLACING ON NATIONAL HISTORICAL REGISTRY.** Deb Schroeder, Chairman of the Friends of the Library addressed the Board asking permission to proceed with the request for these funds with the project of additional parking in mind for their use. She would also like the board to consider a ramp in the back to the second floor leading to an additional entrance. After discussion, it was moved by Trustee Leibfarth, with a second from Trustee Anderson to approve the Friends of the Library proceeding with the application for the County ARPA funds. Ayes: Keslar, Oberg, Anderson and Leibfarth. Nays: None. Absent: Roe. Motion Carried.

**9. POLICY FOR LEASING SPACE ON WATER TOWER.** After discussion and the Board's desire to take each request on a "case by case" basis, it was decided that no policy was needed.

**10. LEASING NEW FIRE TRUCK BACK TO RURAL FIRE.** The board was informed that in order to receive a \$15,000 discount on the new Tanker Truck, the Rural Fire Board need to put the title in the Village's name and we would need to retain ownership for at least a year. After discussion, the Village Attorney was directed to draw up a lease between the Village and the Rural Fire to allow the Tanker to be leased back to the Rural Fire District for a period of one year at which time they would buy the Tanker from the Village and place it in their name.

**11. PURCHASE OF NEW LOADER.** Utility Superintendent Gillming reported that he had received quotes from two companies for a new loader and should have a couple more by next month's meeting for them to consider.

**12. ORDINANCE TO SET WAGES FOR CERTAIN EMPLOYEES.** Vice Chairman Keslar then indicated it was time to consider Ordinance No. 864. Whereupon, it was moved by Trustee Oberg seconded by Trustee Leibfarth that the minutes of the proceedings of the Vice Chairman and Board of Trustees of the Village of Shelton, Buffalo County, Nebraska, in the matter of passing and approving Ordinance No. 864 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 Vice Chairman instructed the Village Clerk to call the roll and the following was recorded as the vote on this motion: AYES: Anderson, Keslar, Oberg and Leibfarth. NAYS: None. ABSENT: Roe. Whereupon the Vice Chairman declared the Motion Carried.

Further, a motion was made by Trustee Oberg, seconded by Trustee Leibfarth that the statutory rules in regard to the passage and adoption of Ordinances be suspended, so that said Ordinance No. 864 might be introduced, read by title, and approved and passed at the same meeting. Trustee Oberg called for the question. The Vice Chairman put the question to the vote and instructed the Village Clerk to call roll and the following was the vote on

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this motion: **AYES:** Anderson, Keslar, Oberg and Leibfarth. **NAYS:** None. **ABSENT:** Roe. Whereupon, the Vice Chairman declared the Motion Carried.

Following the reading of Ordinance No. 864 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. 864 and the following vote was recorded: **AYES:** Anderson, Oberg and Leibfarth. **NAYS:** None. **ABSTAIN:** Keslar. **ABSENT:** Roe.

Whereupon, the Vice Chairman declared that three members of the Board having voted in the affirmative for the passage and approval of Ordinance No. 864 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 Leibfarth that said Ordinance No. 864 be published in pamphlet form. **AYES:** Anderson, Keslar, Oberg and Leibfarth. **NAYS:** None. **ABSENT:** Roe. Motion Carried.

**13. DECLARING 204 COADY STREET A NUISANCE PROPERTY.** Although this property has a new owner, the neighbors are concerned that he is building on the existing structure, rather than demolishing it and starting over. They expressed concern that the existing structure may not be sound enough to build on and for safety reasons would like the Village to intervene. After much discussion, a directive was given to Village Attorney Truell to do a title search and since the Village does not have a Building Inspector, to see if he could find one that we could hire to come in and inspect the structure.

**14. DECLARING 314 FIRST STREET A NUISANCE PROPERTY.** After discussion and realizing that this property was in a deceased person's name, it was decided to direct a statement in that person's name for the mowing of the property. Once this is done and the bill remains unpaid, this would force the courts to pursue a probate action on the property.

**15. DRAINAGE ISSUE IN TOWN.** Village Clerk Doremus explained that it had been requested that this subject be placed on the agenda every few months so that possible new solutions to the poor drainage areas in town could be discussed. Cost estimates and possible solutions which our engineers had presented in April were reviewed. Utility Superintendent Gillming reported that he had cleared the large culverts going under the railroad tracks which hopefully will help with some of the drainage.

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

**17. ADJOURNMENT.** All agenda items having been considered, Trustee Oberg, with a second from Trustee Keslar, moved to adjourn the meeting. **Ayes:** Oberg, Anderson, Leibfarth and Keslar. **Nays:** None. **Absent:** Roe. Motion Carried. Whereupon, the Vice Chairman declared the motion carried and the meeting duly adjourned at 8:28 P.M.

RESPECTFULLY SUBMITTED

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BONNIE DOREMUS, MMC  
VILLAGE CLERK

APPROVED:

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CLIFF KESLAR  
VICE CHAIRMAN

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## 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 special and regular meetings held on September 14, 2023 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 September 7, 2023 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 19<sup>th</sup> day of September, 2023.

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BONNIE DOREMUS, MMC  
VILLAGE CLERK