

# MINUTE RECORD

SPECIAL AND REGULAR BOARD MEETINGS  
VILLAGE BOARD OF TRUSTEES  
SEPTEMBER 12, 2024

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 12, 2024.

Notice of these meetings were given in advance thereof by publication in the Shelton Clipper on September 5, 2024 and by posting at 10:15 A.M. on September 4, 2024, 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 these meetings were 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 meetings and the agendas are attached to these minutes. Availability of the agendas was communicated in the advance notice and in the notice of these meetings to the Village Board of Trustees.

All proceedings shown were taken while the convened meeting was open to the attendance of the public.

Chairman Roe 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 Roe, Oberg, Anderson and Rabbe. Absent: Keslar.

**7:00 P.M. PUBLIC HEARING FOR PROPOSED 2024/2025 BUDGET.** It being of the hour of 7:00 PM o'clock, Chairman Roe adjourned the Board of Trustees Meeting and called to order a Public Hearing to hear comments for or against the proposed 2024/2025 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 2024/2025 Budget. After discussion and addressing any concerns and hearing no further public comments, Chairman Roe declared the public hearing closed at 7:10 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: Chairman Roe and Trustees Oberg, Anderson and Rabbe. Absent: Keslar.

It was then moved by Trustee Anderson, with a second from Trustee Oberg to adjourn this special meeting. AYES: Rabbe, Oberg, Anderson and Roe. NAYS: None. ABSENT: Keslar. Motion Carried and meeting was adjourned at 7:10 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: Chairman Roe and Trustees Oberg, Anderson and Rabbe. Absent: Keslar.

In order to hold a Public Hearing relating to the property tax request, Chairman Roe adjourned the Board of Trustees Meeting and called to order a Public Hearing to hear comments relating to the property tax request for the 2024/2025 budget at 7:11 PM. Hearing no comments or questions from the Public, Chairman Roe 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: Chairman Roe and Trustees Oberg, Anderson and Rabbe. Absent: Keslar.

# MINUTE RECORD

SEPTEMBER 12, 2024

- PAGE 2 -

**2A. MOTION TO EXCEED ALLOWABLE GROWTH RATE 1% FOR 2024/2025 BUDGET.** After discussion, it was moved by Trustee Oberg with a second from Trustee Rabbe to exceed the allowable growth rate by an additional 1% for the 2024/2025 budget. AYES: Oberg, Anderson, Rabbe and Roe. NAYS: None. ABSENT: Keslar. Motion Carried.

**2B. RESOLUTION TO SET FORMAL PROPERTY TAX REQUEST FOR 2024/2025 BUDGET.** Chairman Roe then indicated it was time to consider Resolution No. 24-09-12.

RESOLUTION NO. 24-09-12:

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 2024/2025 be set as follows:

General	\$374,734.00
Bond	\$132,171.63
Total	\$506,905.63

- 2) The total assessed value of property differs from last year's total assessed value by 5.0 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 .646603 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 .676353 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 increase from last year's distributions by 6.0 percent
- 6) A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2024.

It was then moved by Trustee Rabbe to approve and adopt Resolution 24-09-12 as presented. This received a second from Trustee Anderson with the vote as follows: Ayes: Roe, Oberg, Rabbe and Anderson. Nays: None. Absent: Keslar. Motion Carried.

**2C. AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL PROPERATION BILL.** Chairman Roe indicated it was time to consider Ordinance No. 870. Whereupon, it was moved by Trustee Anderson seconded by Trustee Oberg 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. 870 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 Village Clerk to call the roll and the following was

# MINUTE RECORD

SEPTEMBER 12, 2024

- PAGE 3 -

recorded as the vote on this motion: **AYES:** Anderson, Rabbe, Oberg and Roe. **NAYS:** None. **ABSENT:** Keslar. Whereupon the Chairman declared the Motion Carried.

Further, a motion was made by Trustee Anderson, seconded by Trustee Oberg that the statutory rules in regard to the passage and adoption of Ordinances be suspended, so that said Ordinance No. 870 might be introduced, read by title, and approved and passed at the same meeting. Trustee Anderson called for the question. The 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, Rabbe, Oberg and Roe. **NAYS:** None. **ABSENT:** Keslar. Whereupon, the Chairman declared the Motion Carried.

Following the reading of Ordinance No. 870 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 Anderson called for the question as to the approval and passage of Ordinance No. 870 and the following vote was recorded: **AYES:** Anderson, Rabbe, Oberg and Roe. **NAYS:** None. **ABSENT:** Keslar. Whereupon, the Chairman declared that four members of the Board having voted in the affirmative for the passage and approval of Ordinance No. 870 and declared said Ordinance duly passed and adopted as an Ordinance of the Village of Shelton, Nebraska.

Whereupon, it was moved by Trustee Anderson, seconded by Trustee Oberg that said Ordinance No. 870 be published in pamphlet form. **AYES:** Anderson, Rabbe, Oberg and Roe. **NAYS:** None. **ABSENT:** Keslar. Motion Carried.

**3. CONSENT AGENDA.** It was then moved by Trustee Anderson to approve the consent agenda which included: A) Waive reading and approve minutes of the regular meeting of August 8, 2024 and; B) Accept Financial Report. This received a second from Trustee Rabbe with the vote as follows: **AYES:** Roe, Rabbe, Anderson and Oberg. **NAYS:** None. **ABSENT:** Keslar. Motion Carried.

**4. REPORTS:** Written and verbal reports were received from the Village Attorney, Administrative Clerk, Utility Superintendent, Police and Library.

**6. & 7. DECLARING 505 A STREET AND 514 A STREET A NUISANCE PROPERTIES.** The Board received a report from Police Chief Clark indicating that some progress had been made on the properties. After discussion, it was decided to review any further progress at the October meeting.

**8. ZONING/INSPECTION/ENFORCEMENT.** Village Attorney Truell reported that he had contacted the Grand Island Building Inspector in regards to contracting with us for his services. Mr. Truell indicated that the Building Inspector needed to have this city attorney "sign off" on the proposal and he also needed the Fire Marshall to approve him to do electrical inspections in Buffalo County.

**9. BUFFALO COUNTY ARPA FUNDS LIBRARY PROJECT.** Village Clerk Doremus presented the Engineer's Opinion on Probable Construction Cost for new Library Parking & Chair Lifts. With the probable cost of this project at \$92,225, after some discussion, it was moved by Trustee Rabbe to proceed with this project. This received a second from Trustee Anderson with the vote as follows: **AYES:** Roe, Rabbe, Anderson and Oberg. **NAYS:** None. **ABSENT:** Keslar. Motion Carried.

# MINUTE RECORD

SEPTEMBER 12, 2024

- PAGE 4 -

Village Clerk Doremus then asked the board, even though they approved the contract with Buffalo County in July, to consider passing a Resolution for the approval. After discussion, Chairman Roe indicated it was time to consider Resolution No. 24-07-11B.

**RESOLUTION NO. 24-07-11B:**

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

1. That the American Rescue Plan Act (ARPA) Grant Contract between the Village of Shelton, Nebraska and the County of Buffalo, Nebraska hereby is, approved and accepted.
2. That the Chairman of the Governing Body, Utility Superintendent 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.

Trustee Oberg then moved to approve and adopt Resolution No. 24-07-11B as presented. This received a second from Trustee Rabbe with the vote as follows: **AYES:** Roe, Rabbe, Anderson and Oberg. **NAYS:** None. **ABSENT:** Keslar. Motion Carried.

**10. TRASH SERVICE.** Brett Darrough with Heartland Disposal addressed the Board regarding changes he had made in his operations and hoped things would go smoother as time went on.

**7:30 PUBLIC HEARING RE: REQUEST FOR A CONDITIONAL USE PERMIT TO SET A SEMI TRAILER ON THE GROUND FOR A PERIOD OF 9 MONTHS.** It was then moved by Trustee Anderson, with a second from Trustee Oberg, to adjourn the Board of Trustees meeting for the purpose of holding a public hearing. **AYES:** Roe, Rabbe, Anderson and Oberg. **NAYS:** None. **ABSENT:** Keslar. Motion Carried and Chairman Roe adjourned the Board of Trustees meeting and opened the public hearing at 7:36 PM. Chairman Roe indicated that the purpose of the Public hearing was to hear comment for or against the granting of a Conditional Use Permit for the placement of a semi-trailer on the ground for a period of 9 months. Mr. Follmer told the Board that he was requesting to use the Semi-Trailer for storage as he was making improvements to his property at 216 D Street. After discussion and hearing no further comments from the Public, Chairman Roe closed the Public Hearing at 7:45 PM and called the Board of Trustees meeting back to order with a roll call reflecting the following: **Present:** Chairman Roe and Trustees Oberg, Anderson and Rabbe. **Absent:** Keslar.

After further discussion and with some clarification as to the when the 9 months were to start and the stipulation that if an extension was needed that it was requested at or before the February 2025 meeting, it was moved by Trustee Rabbe to approve Resolution No. 24-09-12A as presented with these additions. This received a second from Trustee Anderson with the vote as follows: **AYES:** Roe, Rabbe, Anderson and Oberg. **NAYS:** None. **ABSENT:** Keslar. Motion Carried.

**RESOLUTION NO. 24-09-12A:**

**WHEREAS,** an application for a Conditional Use Permit conforming in all respects to the provisions of Article 6 of the Zoning Ordinances of the Village of Shelton, Nebraska, has

# MINUTE RECORD

SEPTEMBER 12, 2024

- PAGE 5 -

been submitted by Ronald Follmer (hereinafter referred to as “applicant”) concerning the following described real estate, to-wit:

East 50 feet of Lots 1 & 2, Block 20, Third Addition to the  
Village of Shelton,  
Buffalo County, Nebraska

with such application requesting permission from the Village for the following conditional use of the above-described premises for a **placement of a semi-trailer on the ground for a period of nine (9) months commencing June 1, 2024**; and

WHEREAS, the Planning Commission of Shelton, Nebraska, after public hearing, has forwarded its recommendation for non-approval of such application to the Shelton Village Board; and

WHEREAS, the Village Board of Shelton, Nebraska, has held a separate public hearing on the matter of this application for a Conditional Use Permit as provided in Section 6.4, Article 6 of the Zoning Ordinances of the Village of Shelton, Nebraska; and

WHEREAS, after consideration of the matter, the Village Board hereby finds and determines (1) that such application meets or exceeds the minimum standard for conditional uses as set forth in Article 6 of the Zoning Ordinance of the Village of Shelton, Nebraska; (2) that such conditional use will not have a permanent negative impact on those items listed in Article 6, Section 6.6, of the Zoning Ordinance of the Village of Shelton, Nebraska; and (3) that, more particularly, such use will not affect pedestrian or vehicular traffic circulation and safety, will create no noise, fumes, dust, or other environmental pollution, is comparable to and compatible with other land use in the immediate vicinity and is not of a permanent nature, will not diminish property values in the area, and will not over burden utilities in the area; and

WHEREAS, the Village Board of Shelton, Nebraska, therefore deems it appropriate and proper to grant approval of such application for Conditional Use Permit subject to the conditions and requirements herein imposed.

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

SECTION 1. That a Conditional Use Permit be, and hereby is, granted to Ronald Follmer owner of the premises above-described, for a term of 9 months, commencing June 1, 2024 for the purpose of a semi-trailer on the ground subject to the standards, requirements, and prohibitions set forth in Article IV of the zoning ordinance of the Village of Shelton, Nebraska, and subject further to the conditions hereinafter imposed.

SECTION 2. That such Conditional Use Permit is subject to the following conditions, which conditions shall be deemed continuing throughout the term of the Conditional Use permit:

- A. That the development of the subject real estate shall be completely in accordance with the approved plan and no deviations there from shall be permitted;
- B. That the use of subject premises shall at all time throughout the terms of this Conditional Use Permit comply with the Comprehensive Plan and Zoning Ordinance of the Village of Shelton, Nebraska, except as otherwise expressly permitted in the approved plan to this Conditional Use Permit;
- C. That the subject premises shall be fenced and maintained to have proper weed growth according to the Village Ordinances.
- D. If an extension of this Conditional Use Permit is needed, it is requested at or before the February, 2025 Board Meeting

Failure to substantially comply with the above and foregoing conditions may result in revocation of the Conditional Use Permit herein granted after hearing before the Shelton Village Board. Any such revocation shall be without liability to the Village of Shelton for damages resulting from a revocation and shall cause require the applicant to restore the

# MINUTE RECORD

SEPTEMBER 12, 2024

- PAGE 6 -

subject premises to preexisting conditions to comply with the Zoning Ordinance of Shelton, Nebraska, as though no Conditional Use Permit had ever been issued.

**SECTION 3.** That the issuance of such Condition Use Permit, being a copy of this Resolution, shall be binding upon the applicant and Village upon the execution and acceptance by the applicant which will guarantee compliance with the provisions hereof, and in the event of failure to so comply, consenting to the termination of the Conditional Use Permit or permitting the Village of Shelton to take any and all steps necessary to assure compliance including performing the construction or maintenance itself with all costs to be charged against the premises as an assessment, all in accordance with Nebraska State Statues and the zoning ordinance of Shelton, Nebraska.

**SECTION 4.** That upon acceptance hereof by the applicant, the Village Clerk is hereby authorized and directed to issue such conditional use permit to the applicant by means of a certified copy hereof.

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

**12. ADJOURNMENT.** All agenda items having been considered, Trustee Oberg with a second from Trustee Rabbe, moved to adjourn the meeting. Ayes: Roe, Oberg, Rabbe and Anderson. Nays: None. Absent: Keslar. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 7:49 P.M.

RESPECTFULLY SUBMITTED

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BONNIE DOREMUS, MMC  
VILLAGE CLERK

APPROVED:

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WILLIAM C. ROE  
CHAIRMAN

# MINUTE RECORD

SEPTEMBER 12, 2024

- PAGE 7 -

## 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 September 12, 2024 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 4, 2024 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 17<sup>th</sup> day of September, 2024.

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BONNIE DOREMUS, MMC  
VILLAGE CLERK