

CLARKS VILLAGE BOARD PROCEEDINGS

November 13, 2024

The Clarks Village Board of Trustees met in regular session, Wednesday, November 13, 2024 at Village Hall. Chairman-Pro Tem Parsons convened the meeting at 7:00 p.m. referencing display of the Open Meeting Laws.

Notice of the meeting was given in advance thereof by posting in at least three public places which is the designated method for giving notice to the Village.

Advance notice of the meeting was also electronically mailed to the Chairman and each member of the Board of Trustees. A copy of the Acknowledgement of Receipt of Notice of Meeting is attached to these minutes.

Attending Board of Trustees: James Parsons, Dylan Drummond, Donn Glynn, and Joe Ramold. Village Representatives in attendance: Kari Podliska, P & Z Administrator Judy Rieken, Jeff Gress. Guests present, Dyrek Zoucha, Michelle Glynn, Chris Langley and Barb Fowler from PCRPPD. Librarian Barbee Sweet in attendance at 7:20 p.m.

Consent Agenda items – Approval of Meeting minutes from 10/09/24; Transfer \$1500 from Sales Tax to the Resin Reserve Fund; presentation of Treasurer’s report and to approve and draw warrant upon the claims as presented:

1to1 Technologies, L&G R/M, Equip	\$267.76
AMGL, GW	\$3890.00
Bank of Clarks, G	\$1770.21
Bomgaars, STSW R/M	\$153.78
Capital Bus Systems, GL E	\$218.52
Cengage, LB	\$26.64
Chemsearch, S R/M	\$1758.40
Clarks Lumber, R/M	\$115.14
Debit Card Purchases, SWSTL Sup, Fuel	\$444.71
Flatland Mobile Svcs, STR/M	\$100.00
HPC, G	\$1530.00
HOA, W Equip	\$977.00
Johnson Service, SW R/M	\$21250.00
Lincoln WinWater, WR/M	\$814.60
Maguire Iron, W R/M	\$47029.00
Midwest Labs, W R/M	\$735.00
NNTC, Ut	\$651.39
NDEE, S	\$100.00
NE Public Health Env Lab, W R/M	\$15.00
NE Municipal Clerks Assoc. G	\$50.00
NE RWA, W	\$250.00
Phil Carkoski Const, Capital Outlay	\$19513.90
Postmaster, G	\$151.58
PowerTech, W R/M	\$442.84
PCRPPD, GSTSWWLPPR	\$2527.05
RHD Publishing, G	\$328.43
Sapp Bros, G R/M	\$327.82
Snider’s Outdoor Power, STP	\$4000.00
Svehla Law, G	\$1846.77

Motion Ramold, second Glynn to approve the consent agenda items as presented except the treasurer’s report. RCV: Ramold, Glynn, Parsons, Drummond. MC 4-0

Public Comment: None

Agenda Item #1: Motion by Glynn, second Ramold to approve Resolution 2024-1113.4 directing the sale of the Utility infrastructure to PCRPPD and declaring that such sale is not subject to the provisions of NEB. Rev. Stat. Section 17-503.02 as read. RCV: Parsons, Ramold, Drummond, Glynn. MC 4-0.

RESOLUTION NO. 2024-1113.4

A RESOLUTION DIRECTING THE SALE OF UTILITY INFRASTRUCTURE TO POLK COUNTY RURAL PUBLIC POWER DISTRICT AND DECLARING THAT SUCH SALE IS NOT SUBJECT TO THE PROVISIONS OF NEB. REV. STAT. SECTION 17-503.02.

WHEREAS, the Village of Clarks, Nebraska (“Village”), owns certain utility infrastructure, more fully described in the attached Exhibit A (“Utility Infrastructure”), and

WHEREAS, Polk County Rural Public Power District (“PCRPPD”) has offered to purchase the Utility Infrastructure from the Village for the sum of Ten Thousand Dollars (\$10,000.00); and

WHEREAS, the Village has determined that it is in the best interests of the Village to sell the Utility Infrastructure to PCRPPD under the terms offered; and

WHEREAS, the Village has further determined that the sale of such Utility Infrastructure is not subject to the provisions of Neb. Rev. Stat. § 17-503.02, which requires certain procedures for the sale of real and personal property owned by a Village, including publication and competitive bidding, as the property in question is being conveyed to another public agency.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF CLARKS, NEBRASKA:

1. The Village of Clarks, Nebraska hereby approves the sale of the utility infrastructure, more fully described in the attached Exhibit A, to Polk County Rural Public Power District for the purchase price of Ten Thousand Dollars (\$10,000.00).
2. The Village Board finds that this transaction is not subject to the provisions of Neb. Rev. Stat. § 17-503.02, and therefore, the sale may proceed without the formal procedures set forth therein.
3. The Chairperson of the Village Board and the Village Clerk, are hereby authorized and directed to execute any and all documents necessary to effectuate the sale of the Utility Infrastructure to Polk County Rural Public Power District and to take all other necessary actions to complete the transaction.
4. This Resolution shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED this 13th day of November, 2024.

Agenda Item #2: Chairperson Parsons signed the Purchase agreement with PCRPPD and it will be in effect on Dec. 31, 2024.

Agenda Item #3: Chairperson Parsons signed the Retail Lease Agreement with PCRPPD as agreed upon by all parties.

Agenda Item #4: Discussion on the citizen proposal to the renovations of the Bathrooms at the City Park. Trustee Parsons, Trustee Glynn and the Clerk met with the Fire Marshall on November 7th. The Fire Marshall stated if only doors were changed it would be ok. If fixtures are being changed then it needs to be brought up to ADA Standards. Fire Marshall was ok with the first proposed plan that Miller & Assoc. proposed with a unisex bathroom. The changes could be broken up into phases. The grant funds could be used now to do bathroom stalls into one unisex bathroom, then do the sidewalk in another phase. There will need to eventually be a handicapped parking stall put in. This option will be taken back to Shelly for new quotes from the contractors based on these changes.

Library Report: Financials presented to board. Barbee discussed the questions that the board had with the 1 to 1 Technologies proposal for updating the network and the security camera system. This will be added to the December board meeting for approval. E-rate forms were turned in but there was an issue with how

it processed. It took the last discount off the bill for NNTC. It will be reprocessed and then the NNTC bill will be credited. Barbee will be filling out Grant paperwork for the Merrick Foundation to help with Summer Reading. Halloween party was well received. They served 120 hot dogs. Barbee has the kindles at 1 to 1 Technologies getting set up so they can be checked out for adults to read books on. Lego Club on Thursday's has been going well.

Agenda Item #5: Motion to approve \$400 be transferred from General Account to the Library Fund for the Old-Fashioned Christmas Event by Ramold, second Glynn. RCV: Glynn, Parsons, Ramold, Drummond. MC 4-0

Planning & Zoning: No new permits and nothing to report.

Maintenance Report: Curb stop leak at the Childcare Center. They are going to pour a concrete pad around it to stop this from happening again. Everything has been winterized and bathrooms are locked for the winter. Jeff ordered gravel for Millard Street after the drainage project. The Well house at Strobel's needs to be fixed. Door and wall for sure needs repaired. Jeff will check with the Lumber Yard on costs to repair it. An email was received about the pile of bricks at the grass area by the tracks. The Railroad would like to know when it will be removed. Will look into the lease that the Village has if this is allowed or not. Will also put a word out that anyone can come take the bricks.

Clerk: November 21st is Clerk's Meeting at Seward. Clerk's Office will be closed November 20th. There is a training UNO is putting on November 19th if any board member would like to register.

Agenda Item #6: Motion by Ramold, second Drummond to adopt Resolution 2024-1113.1 Authorizing sell of surplus equipment. RCV: Parsons, Ramold, Drummond, Glynn. MC 4-0

RESOLUTION 2024-1113.1

A RESOLUTION DIRECTING THE SALE OF SURPLUS PERSONAL PROPERTY OF THE VILLAGE OF CLARKS, NEBRASKA.

WHEREAS, the Village of Clarks does have in its possession certain property deemed to be surplus property to the Village and wishes to dispose of this property; and

WHEREAS, State Statute 17-503.02 allows for the sale of surplus personal property by posting the sale in three prominent places within the Village for a period of not less than seven days prior to the sale; and

WHEREAS, the sale will be conducted sealed bids, with the following instructions:

- 1) Bids must be submitted with the Village Clerk.
- 2) The high bidder, regardless of Village staff's ability to contact such bidder, will have until 5 days after the end of the sale to make full payment. The failure to make such payment will result in either a) the Village accepting the next highest bid, or b) the Village rejecting all bids and canceling the sale.
- 3) If the minimum bid is not achieved, the property may be placed for sale on a regional or national equipment sales website or sales service.

NOW, THEREFORE, BE IT RESOLVED by the Chairperson and Village Board of the Village of Clarks that the following Village property be sold according to the terms listed above, with minimum bid in parentheses.

2008 John Deere Lawn Mower X724 (M0X724A031116)	(\$2000.00)
Christmas Decorations Qty 11 Wreaths	(\$5.00)
Christmas Decorations Qty 6 Candles/Tree Shape	(\$5.00)
Christmas Decorations Qty 4 Candles	(\$5.00)
Christmas Decorations Qty 2 Approximately 80' of garland	(\$5.00)

PASSED AND APPROVED this 13^h day of November, 2024.

Agenda Item #7: Motion to adopt Resolution 2024-1113.2 Special Assessment and lien against properties with delinquent utility bills as read by Glynn, second Drummond. RCV: Glynn, Ramold, Drummond, Parsons. MC 4-0

RESOLUTION NO. 2024-1113.2

RESOLUTION TO FILE NOTICE OF SPECIAL ASSESSMENT AND LIEN AGAINST PROPERTIES FOR DELINQUENT UTILITY BILLS

The Board Chairperson and Board of Trustees of the Village of Clarks, Nebraska (collectively "Board"), in regular session assembled at the Village Office in Clarks, Nebraska, on this 13th day of November, 2024, hereby resolve as follows:

WHEREAS, Section 3-109 of the Code of Ordinances of the Village of Clarks, Nebraska provides that the Village may have a lien upon real property for delinquent waters for such bills that are sixty days or more delinquent in the payment of water rent; and

WHEREAS, unpaid water bills shall become a lien against the applicable property upon the recording of a notice of such lien in the office of the Register of Deeds of Merrick County, Nebraska, pursuant to Neb. Rev. Stat. §17-538 and Section 3-109 of the Code of Ordinances of the Village of Clarks, Nebraska;

WHEREAS, the owners of certain properties located within the corporate limits of the Village have failed to pay their water bills and such bills have been delinquent for more than 60 days.

NOW, THEREFORE, the Chairperson and Board of Trustees of the Village of Clarks, Nebraska, in consideration of the foregoing recitals, hereby adopt the following Resolution:

RESOLVED, that the Village Clerk be and hereby is directed to file a notice of special assessment and lien for delinquent waters for such bills against each property described in Exhibit "A" in the office of the Register of Deeds of Merrick County, Nebraska.

BE IT FURTHER RESOLVED, that the notice of special assessment and lien to be filed by the Village Clerk with the office of the Register of Deeds of Merrick County, Nebraska, shall substantially comply with the Notice of Special Assessment and Lien attached hereto as Exhibit "B" and incorporated herein by reference.

PASSED AND APPROVED this 13th day of November, 2024.

Exhibit "A"

<u>LEGAL DESCRIPTION</u>	<u>AMOUNT</u>
South Sixty-Three (63) feet of Lots One (1) and Two (2), Block Five (5), Original town of Clarks, Merrick County, Nebraska. Commonly known as 406 N George Street.	\$158.78

Agenda Item #8: Motion to approve the write offs for past due balances of \$85.58 and \$122.21 for 2 properties over 90 days past due by Drummond, second Glynn. RCV: Ramold, Glynn, Parsons, Drummond. MC 4-0

Agenda Item #9: Motion to Adopt Resolution 2024-1113.3 to Sign the Year-End Certification of Street Superintendent for 2024 and appointing Chris Miller as the Village's Street Superintendent for the 2024 Calendar year by Ramold, second Drummond. RCV: Drummond, Parsons, Glynn, Ramold. MC 4-0 Resolution 2024-1113.3

Year-End Certification of City Street Superintendent 2024

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment(s) of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

Whereas: The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson. Be it resolved that the Village Board Chairperson of Village of Clarks is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed forms(s).

Adopted this 13th day of November, 2024 at Clarks, Nebraska.

Agenda Item #10: Motion to continue the nuisance abatement procedure on the previous nuisance abatements by Ramold, second Drummond. RCV: Ramold, Drummond, Glynn, Parsons. MC 4-0

Agenda Item #11: Discussion on a proposal from TextMyGov. No action taken.

Agenda Item #12: Motion to suspend the 3-reading rule on Ordinance 753 to repeal Occupation Tax on Game of Skill Machines in Village Limits by Glynn, second Ramold. RCV: Parsons, Ramold, Drummond, Glynn. MC 4-0. Motion to Adopt Ordinance 753 to repeal Occupation Tax on Game of Skill Machines in Village limits and provide publication in pamphlet form by Glynn, second Ramold. RCV: Glynn, Ramold, Drummond, Parsons. MC 4-0

ORDINANCE NO. 753

AN ORDINANCE REPEALING ANY AND ALL PRIOR ORDINANCES IMPOSING AN OCCUPATION TAX RELATED TO CASH DEVICES AND MECHANICAL AMUSEMENT DEVICES.

Agenda Item #13: Discussion on a bid for trash removal services from Carl's Skrap for the Village of Clarks. Board postponed the discussion for a more detailed estimate.

Agenda Item #14: Trustee Glynn was looking into options for help with sidewalks being repaired in the community. More information is needed to see if there is help with funding options.

Miscellaneous: Next meeting is December 11, 2024 at 7 p.m. D & S Tree Service will be coming soon to trim the trees over the streets.

Citing completion of agenda items, Chairman Pro-Tem Parsons adjourned the meeting at 9:15 p.m.

I the undersigned Clerk hereby certify that the forgoing is a true and correct copy of the proceedings by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning

meetings of said body were provided advanced notification of the time place and of said meeting and the subjects to be discussed at said meeting.

APPROVED:

James Parsons, Chairman Pro-Tem

Kari Podliska
Clerk/Treasurer