

**CLARKS VILLAGE BOARD PROCEEDINGS**  
**December 11, 2024**

The Clarks Village Board of Trustees met for a work session, Wednesday, December 11, 2024 at Village Hall at 6:00 p.m. to interview a candidate for a vacancy on the Village Board.

The Clarks Village Board of Trustees met in regular session, Wednesday, December 11, 2024 at Village Hall. Chairman-Pro Tem Parsons convened the meeting at 7:04 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, Corbey Grause, and Barbee Sweet. Guest present: Michelle Glynn, Dyrek Zoucha.

Consent Agenda items – Approval of Meeting minutes from 11/13/24; Transfer \$1500 from Sales Tax to the Resin Reserve Fund; transfer of \$3750 from Sales Tax to WT Fund; to approve and draw warrant upon the claims as presented:

Payroll Oct/Nov	\$23830.37
Payroll taxes/Sales Tax	\$6737.68
1to1 Technologies, L&G R/M, Equip	\$267.76
Bank of Clarks, G	\$1770.21
Bomgaars, STL R/M	\$30.96
Capital Bus Systems, GL E	\$226.78
Cengage, LB	\$53.28
Chemsearch, S R/M	\$1734.95
Clarks Lumber, R/M	\$308.90
Colonial Research, ST S R/M	\$1288.98
Debit Card Purchases, SWSTL Sup, Fuel	\$541.12
D & S Tree Service, ST R/M	\$850.00
Hawkins, W S	\$1071.01
HOA, W Equip	\$977.00
John Deere Financial, ST R/M	\$180.34
Kari Podliska, L G Sup	\$165.49
Megan Garringer, W	\$104.82
Miller & Assoc. ST	\$1742.35
NNTC, Ut	\$239.79
NE Dept of Ag, G	\$44.00
NDEE, W	\$26968.17
NE Public Health Env Lab, W R/M	\$224.00
Overland, ST R/M	\$353.71
Postmaster, G	\$258.00
PCRPPD, GSTSWWLPPR	\$2538.89
Sapp Bros, L UT	\$206.40
Svehla Law, G	\$1470.00

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

Chairperson Pro-Tem nominated Chris Langley to fill the vacancy of Trustee Urkoski until December 2026 which also includes the Community Development Agency board. Motion was seconded by Ramold to approve the nomination of Chris Langley to fill the vacancy. RCV: Parsons, Ramold, Drummond, Glynn. MC 4-0.

With the term ending for Trustee Ramold, the board thanks him for his service the last 4 years. Trustee Drummond's term was up filling a vacancy. The board thanks him for his service.  
Meeting adjourned at 7:06 p.m.

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The Clarks Village Board of Trustees met in regular session, Wednesday, December 11, 2024 at Village Hall. Chairman-Pro Tem Parsons convened the meeting at 7:07 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, Donn Glynn, Dyrek Zoucha, Dylan Drummond, and Chris Langley. Village Representatives in attendance: Kari Podliska, Corbey Grause, and Barbee Sweet. Guest present: Michelle Glynn.

Public Comment: None

Motion to approve the Certificate of Election of the November 5, 2024, General Election, as certified by the County Clerk, to be received and placed on file by Glynn, second Parsons. RCV: Glynn, Parsons MC 2-0.

Village Clerk installed the candidate, Dyrek Zoucha. Oath recited and signed.

The second vote holder was Dave Schultz. Mr. Schultz does not meet Code Book requirements due to not living within the Village limits. This creates a vacancy for the second seat from the election. Chairperson Pro-Tem Parsons nominated Dylan Drummond to fill the vacancy of the elected seat and fill the term to December 2028. Motion to accept the nomination of Drummond by Glynn, second Zoucha. RCV: Parsons, Glynn, Zoucha. MC 3-0.

Village Clerk installed Dylan Drummond and Chris Langley. Oath recited and signed.

Motion by Parsons to nominate Donn Glynn for the Chairperson position and to be a signatory on the bank accounts. Second by Langley. RCV: Zoucha, Drummond, Parsons, Langley. Abstain: Glynn. MC 4-1

Motion by Glynn to nominate James Parsons as the Vice Chair and be a signatory on the bank accounts, Second Zoucha. RCV: Langley, Drummond, Zoucha, Glynn. Abstain: Parsons. MC 4-1.

Motion by Zoucha, second Drummond to approve the reorganization as follows:

Building and Property Committee: Glynn, Zoucha

Finance Committee: Langley, Drummond

Streets and Alleys Committee: Glynn, Parsons

Water and Sewer Committee: Drummond, Langley

RCV: Parsons, Drummond, Glynn, Zoucha, Langley MC 5-0

Motion by Langley, second Glynn to reappoint the following for 2025.

Engineer & Street Superintendent: Miller & Associates, Chris Miller Street Superintendent

Attorney: Svehla Law, Drew Graham  
Accountant: AMGL, Michael Hoback  
RCV: Drummond, Zoucha, Glynn, Parsons, Langley MC 5-0

Motion to approve the Clerk to attend Municipal Clerk Training March 19-21, 2025 in South Sioux City along with motel, meals and gas by Zoucha, second Drummond. RCV: Parsons, Drummond, Glynn, Zoucha, Langley. MC 5-0

*Library Report:* Financials presented to board. Librarian Sweet felt the Christmas event was a success having it in one day versus spread out. Pancake feed was a good start to the morning. NHS students helped with the event to earn service hours. E-rate reports begin again.

Motion by Glynn, second Langley to approve the quote from 1 to 1 Technologies to install a security system with 2 cameras and update the network at the Library. RCV: Langley, Parsons, Drummond, Glynn, Zoucha. MC 5-0

The purchase for carpet at the Library is postponed to a later meeting. The board will help donate their time to install plastic on the windows at the Library to help with the winter costs of propane.

*Planning & Zoning:* There were no Zoning permits for approval. The P & Z board will be meeting in January. There is 3 members that their terms are up.

*Maintenance Report:* D & S trimmed the trees above the road. The dump truck broke down when finishing this project. AJ Lewis is ordering the part to fix it. They installed more water meters. Water Conference is March 10-12<sup>th</sup>. The board would like to see the grate cleaned of leaves on East Amity drainage ditch.

Motion to cash out the CD coming due 1/7/25 and put in the General account by Glynn, second Drummond. The board will see where rates are at the January meeting and decide then what to do with the funds. RCV: Langley, Drummond, Zoucha, Glynn, Parsons. MC 5-0

Motion to recognize with Bomber Bucks for Volunteers and Employees for their service for the year 2024 by Drummond, second Zoucha. RCV: Parsons, Drummond, Glynn, Zoucha, Langley. MC 5-0

Motion to suspend the 3-reading rule for Ordinance 754 to Repeal and Replace §150.17 and 150.18 of Village Code by Glynn, Zoucha. RCV: Glynn, Parsons, Drummond, Zoucha, Langley. MC 5-0

Motion to adopt Ordinance 754 to Repeal and Replace §150.17 and 150.18 of Village Code by Drummond, second Langley. RCV: Langley, Zoucha, Drummond, Parsons, Glynn.

#### **ORDINANCE NO. 754**

#### **AN ORDINANCE TO REPEAL AND REPLACE §§ 150.17 and 150.18 OF THE CLARKS VILLAGE CODE OF ORDINANCES TO UPDATE THE PROVISIONS RELATED TO UNSAFE BUILDINGS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF THE VILLAGE OF CLARKS, NEBRASKA, as follows:

SECTION 1. That Section 150.17 of the Clarks Village Code of Ordinances shall be repealed and replaced in its entirety to read as follows:

#### **§ 150.17 DETERMINATION AND NOTICE.**

(A) Whenever the governing body shall be of the opinion that any building or structure in the village is an unsafe building, they shall file a written statement to this effect with the Village Clerk.

The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the village. Such notice shall state that the building has been declared to be in an unsafe condition; and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within 60 days from the date of receipt. Such notice may be in the following terms:

"To (owner-occupant of premises) of the premises known and described as (street address).

You are hereby notified that (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by (inspector(s) name(s)). The causes for this decision are (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building within 60 days from the date of receipt of this notice or the village will proceed to do so. Appeal of this determination may be made to the governing body, acting as the Board of Appeals, by filing with the Village Clerk within ten days from the date of receipt of this notice a request for a hearing."

(B) If notice to be If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten days from the time when this notice is served upon such person by personal service or certified mail, the Building Inspector may, upon orders of the governing body, proceed to remedy the condition or demolish the unsafe building.

SECTION 2. That Section 150.18 of the Clarks Village Code of Ordinances shall be repealed and replaced in its entirety to read as follows:

**§ 150.18 HEARING AND APPEAL.**

(A) Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may, in writing to the Village Clerk, request a hearing before the governing body, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The governing body shall set the date for such hearing, which date shall be not later than the next regularly scheduled meeting of the governing body. A written notice of hearing shall be sent to the owner of the building via first-class mail to the address on file with the Merrick County Assessor, unless another address has been provided. A written notice of the governing body's decision following the hearing shall be sent to the property owner by certified mail.

(B) If the governing body rejects the appeal, the owner shall have five days from the sending of the decision to begin repair or demolition and removal. If after the five-day period the owner has not begun work, the governing body shall proceed to cause such work to be done; provided, the property owner may appeal such decision to the appropriate court for adjudication during which proceedings the decision of the governing body shall be stayed.

(C) Where the village has not adopted a building code, the statutes of the state relating to bonded indebtedness and collection of delinquent taxes shall apply.

SECTION 3. This Ordinance shall be effective from the date of its passage, approval and publication or posting as required by law.

PASSED AND APPROVED this 11th day of December, 2024.

Motion to adopt Resolution 2024-1211.1 - Declaring a property at 609 E Amity Street as unsafe by Zoucha, second Glynn. RCV: Zoucha, Drummond, Parsons, Glynn, Langley. MC 5-0

**RESOLUTION NO. 2024-1211.1**

**A RESOLUTION DECLARING THE PROPERTY AT 609 E AMITY STREET, CLARKS, NEBRASKA, TO BE A NUISANCE AND AN UNSAFE BUILDING PROHIBITED UNDER THE VILLAGE CODE OF ORDINANCES OF CLARKS, NEBRASKA.**

NOW, THEREFORE, BE IT RESOLVED by the Chairperson and Board of Trustees of the Village of Clarks, Nebraska that the building located at 609 E Amity Street, Clarks, Nebraska, is declared a nuisance and an unsafe building as defined by Section 150.15 of the Village Code of Ordinances of Clarks, Nebraska (the "Code") because (1) it is dangerous to the public health because of its condition; (2) it may cause injury to the health of the occupants of it or neighboring structures; (3) it is especially liable to fire and constitutes or creates a fire hazard, because of its faulty construction, age, lack of proper repair, or any other cause; and (4) is liable to cause injury or damage by the collapse or fall of all or any part of the structure by reason of faulty construction or any other cause. This property is legally described as follows:

Tract 1 of Lot 1, Block 15, County Subdivision a/k/a County Clerk's Subdivision of Section 1, Township 14 North, Range 5 West of the 6th P.M., of the Village of Clarks, Merrick County, Nebraska.

BE IT FURTHER RESOLVED that pursuant to Section 150.16 of the Code, it is unlawful to maintain or permit the existence of this unsafe building within the Village; and it is unlawful for the owner, occupant, or person in custody of a dangerous building to permit the same to remain in an unsafe condition or to occupying such building or permit it to be occupied while it is in an unsafe condition; and,

BE IT FINALLY RESOLVED that, as provided in Section 150.17 of the Code, the Village Clerk is directed to post the property accordingly, to file a copy of this Resolution in the office of the Merrick County Register of Deeds to be recorded, and to serve written notice of this determination upon the owner and any occupant of the building.

PASSED AND APPROVED this 11th day of December, 2024.

Motion to suspend the 3-reading rule of Ordinance 755 Enacting & Adopting a Supplement to the Code by Drummond, second Zoucha. RCV: Langley, Parsons, Drummond, Glynn, Zoucha. MC 5-0

Motion to adopt Ordinance 755 Enacting & Adopting a supplement to the Code by Glynn, second Langley. RCV: Glynn, Parsons, Drummond, Zoucha, Langley. MC 5-0

**ORDINANCE NO. 755**

**AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE VILLAGE OF CLARKS, NEBRASKA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES.**

WHEREAS, the Acts of the Legislature of the State of Nebraska empower and authorize the political subdivision to revise, amend, restate, codify, and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into book form; and

WHEREAS, the Village Board of Trustees for the Village of Clarks has authorized a general compilation, revision and codification of the ordinances of the Village of Clarks of a general and permanent nature and publication of such ordinance in book form.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF CLARKS, NEBRASKA, AS FOLLOWS:

SECTION 1. The general ordinances of the Village of Clarks, Nebraska, as revised, amended, restated, codified and compiled in book form are hereby adopted and shall constitute the "Code of Ordinances of the Village of Clarks, Nebraska."

SECTION 2. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except that as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

SECTION 3. All boards, commissions, councils, and other such bodies as established in ordinances or resolutions adopted prior to the adoption of the Code of Ordinances shall continue in existence and number of members unless specifically amended in the Code of Ordinances or until an ordinance abolishing, establishing, or otherwise changing such bodies is adopted or amended. All fees and charges established in ordinances or resolutions adopted prior to the adoption of the Code of Ordinance shall remain in effect unless amended in the Code of Ordinances or until an ordinance adopting a schedule of fees and charges is adopted or amended.

SECTION 4. At least one copy of the Code of Ordinance shall be on file in the office of the Village Clerk and available for inspection by members of the public during the hours the office is open for the ordinary transaction of business. The Clerk shall file a copy of the Code of Ordinances with the County Court. Such Code shall be deemed published as of the day of its adoption and approval by the Village Board of Trustees for the Village of Clarks, Nebraska.

SECTION 5. Such Code shall be in full force and effect fifteen (15) days after the passage of this Ordinance.

PASSED AND APPROVED this 11th day of December, 2024.

Discussion on the Bathroom Renovation is postponed until a later meeting after some more research.

*Clerk's Report:* report handed out to Board with updates on projects; Clerk's office closed Dec. 26<sup>th</sup>. Christmas card from Miller & Associates. Carl's Skrap would like to know the Board's opinion on garbage pickup in the alleys. Previously it was discussed that maybe all pickup could be done on the street where the trucks could stay out of the alleys. The board would be ok with starting January 1<sup>st</sup> that garbage pickup from Carl's and Mid-NE be done on the street side. The clerk will contact the companies about notifying households of this change.

*Miscellaneous:* Next meeting is January 8, 2025 at 7 p.m.

Citing completion of agenda items, Chairman Pro-Tem Parsons adjourned the meeting at 9:32 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:

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James Parsons, Chairman Pro-Tem

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Kari Podliska  
Clerk/Treasurer