

Village of Greenwood

Board of Trustees
September 12, 2018
Minutes

NOTICE IS HEREBY GIVEN that a Regular Meeting of the Greenwood Board of Trustees will be held at 7:00 p.m. on Wednesday, September 12, 2018 at the E.L. McDonald Community Center, 619 Main Street, Greenwood, Nebraska. Said meeting is open and the public is encouraged to attend. The Board of Trustees reserves the right to adjourn to Executive Session per State Statute 84-1410. The open meetings act is posted in the meeting room for the public to view.

Roll Call

Present- Gerlach, Starr, Wilken, Piehl

Absent-Meyer

Consent Agenda

Approve/Disapprove minutes

Approval of time cards

Claims

Financials

Piehl made a motion to approve consent agenda. Starr seconded the motion.

Aye-Starr, Wilken, Piehl, Gerlach

Nay-None

Motion carried

Sheriff's report

During the month there were eighteen calls answered and 1 citation given. Piehl asked if the Sheriff he knew where people take lost animals. He said he remembered hearing about the incident. He thought someone had picked up a dog and didn't know where to take it. He believes they were referred to Ashland's animal shelter. He said that the sheriff's are unable to pick up animals. There is no animal control in Cass County and there is not a humane society.

Gerlach asked if the sheriff if he had seen an excess of ATV/UTV or golf carts around town. Gerlach said their has been numerous complaints in regard to underage drivers. The sheriff said he hasn't seen anything when he has been around. He said he sent a young man home on a home made go cart and advised him that he was not allowed to run them on the streets.

Communication of Citizens

Consider requests from individuals present. Each speaker will be allowed two minutes and no action will be taken on these topics until the next Board Meeting. The Village Board will review the matters and take action as they deem appropriate. Notice: There is to be no comments or disruption to the meeting in progress. You will be asked to leave if the above is not adhered to. We ask for your cooperation and courtesy. Thank You.

Current Business (discussion with approval or disapproval as needed)

Board Comments or Questions

1. Discussion approve/disapprove Simple City contract

Fergus said that he highlighted the main points on the bid. They have the fees broke down from 5-year, 3 year, to 1 year. The five-year price will give you a break in price. Wilken feels like we have invested so much money into it already that we might as well keep up the contract. Starr asked if they would come out to the next meeting. That was one of things that the board had requested in the past and they never showed up. Fergus said he had spoke with Wilken in regard to the fact that they were unable to make it to this meeting. Wilken asked Fergus if we would be able to get them out next meeting. Fergus said he would get ahold of them to see. Gerlach asked when our current contract would end. Fergus said we have to have the contract signed by the end of the month. Wilken said we have two more meetings this month. We could add this to the budget meeting if necessary. Piehl said that she is concerned that it went from a \$600.00 invoice to a \$4800 invoice. Elliott asked if some work was done to cause the increase in price. Fergus said no this is a renewal contract. Piehl said that she said from day one that this was a waste of money. She went on to say that they are always sending us a bill from something else. We have requested at several occasions that a representative come to a meeting and they either can't make it or say they will come and don't show up. She said it is an ongoing situation. Starr said he can

see the benefit of the program but we have not used the program. Piehl said she also recognizes that it was voted on and a lot of money was dumped into it. She is wondering since no one has used the program when will enough be enough. Fergus said that since we are a small town we really haven't had the need to use the program. It is nice to have it at our disposal when we do need it. Piehl said she thought this was an unnecessary expenditure when it was voted on and it has proven unnecessary. Starr recommended once again trying to get a representative out to a meeting. He said that if we are spending that kind of money they can come to a meeting. Wilken moved to table the simple city contract to the next meeting. Gerlach seconded the motion.

Aye-Piehl, Starr, Gerlach, Wilken Nay-None Motion carried

2. Discussion approve/disapprove meter audit

Starr asked the village lawyer, Bargaen if this is a situation that should be moved to executive session for names or anything like that. Bargaen didn't think there was a need initially. Starr said our main question is how far back can the village bill for second water lines that were unmetered. Bargaen said how long they had not been billed for the water. Wilken thought around 2004. Bargaen said that he thinks that in terms of recouping the loss there is not really any set statue surrounding that. He said that he has spoken to a few towns regarding this situation. He said it is one thing if they think the resident had knowledge of not paying for water. He thinks that escalates to something else. He said they have spoken and know what those appropriate steps would be. Bargaen said but if we don't think that is the case and the resident did not realize what the water line they were using, that is different. Bargaen asked if the village we has a way to calculate the usage. Starr asked is there a way to prove they knew it when they claim they didn't know about the unmetered water lines. Starr said he recognizes that this was partially the towns fault for not catching the issue sooner, but it is also the resident's fault because they knew about it and didn't come forward. Bargaen said if there is some sense that resident knew or should have known then someone call and let Bargaen know. We can then go forward and figure out what the next steps should be. It could be out of our hands potentially and we should look in to getting others involved in the situation. Bargaen said if that is not the case, and it was an honest mistake and the resident didn't realize that was occurring, then if there is a way to calculate the minimum, he would recommend that the village try to recoup some of that. He said that he would work up a bill, present the bill, and go from there. Bargaen said at least there would be an attempt to do that. It is true in some respects that there may be some issue with should the village have known. He said that this issue is not uncommon. Gerlach said there was a similar situation with an electric meter and there was supposed to be a meter on the service but it wasn't being metered. The only thing the village was able to recoup was twelve months of the actual average bill. Bargaen asked what was that based on. Gerlach thought it was a state statue he thought. Starr explained that in this situation they were paying nothing at all. In the incident that are discussing currently the residents were at least paying the minimum. He just wanted to point out that these were two different situations. Bargaen said on power issues he talked to a larger town and they said they would make the council aware of the situation, but the outcome would be that it would be at the fault of the municipality for not billing correctly and eat the cost. That is one approach, other towns do it differently and produced bills. In both situations he thinks that he would attempt to calculate the deficiency. He would recommend prepare a bill and present it to the customer. He feels the village should make the attempt. Fergus said would that be hard for the village since these were secondary meter. He said that the secondary meter just runs off of water usage. He said the first meter gets billed for the minimum and then any usage after that gets tacked on from the second meter. Starr said that is why he feels it is hard for this instance both of these were additional meters not the primary meter. Bargaen asked if those addresses where paying the minimum. Wilken said yes because they had a regular meter. Bargaen said if we can't calculate the usage it might be something we will be unable to figure out. Bargaen said it sounds like in the situation with the electric we could. Starr said the electric one has been taken care of and the water has been rectified too. We are good moving forward but the issue is what to do with the past. If there is some indication of the audit that the village performed that this service knew or should have known than that is something different. If not, there is no accurate way to calculate what a back bill would be than he thinks that this is something that you would have to fix moving forward. There would not be a way possible to calculate a previous bill. Starr made a motion to approve the meter audit presented by Fergus. Gerlach seconded the motion.

Aye-Wilken, Piehl, Starr, Gerlach

Nay-none

Motion carried

3. Discussion approve/disapprove electricity rates

Fergus said that he brought this to the attention of Wilken and Starr. He said that there are companies in town that have three phase service that are not getting charged for the three phases. They are using more electricity than we would in our houses. We need to get things like that taken care of. That is more electricity that the village is being charged for and it is not balancing out. Starr said are we not charging the right amount for what they are using or the type of service. Fergus brought in the rates that LES and OPPD are charging. He said LES actually charges three phase customers an additional \$55.00 for having the service. Then if you had single phase it was \$25.00. Fergus said that for the commercial customers we need to think about addressing this issue. He said also while we are on the subject of rates, for trenching in electrical the village is at \$750.00. OPPD charges is just under \$1400.00. The cost of everything else is going up and we are just barely scraping by. He thought that increasing our rate to \$1000.00 would be a little more comparable. Barga asked if the village is served by OPPD. Wilken said yes that is where we get our electricity from. Barga went on to ask if we were connected to anyone else. He knows that some of the other companies will do rate studies for the villages. Barga said maybe we have had one done before. Wilken said not that he is aware of. Barga thought that these are performed like every three years. That would be one way to address these issues. Gerlach said he thought our contract with OPPD for power rates comes due every three or five years. Wilken thought we raise the electricity rates every year in October whatever the percentage is. Piehl said that it hasn't been raised since she was on the board. Starr thought we got a break on it last time bringing the cost down for us. Wilken said when he was on the board before it was around 3% we would raise it every year. He said one-year OPPD was raising it 12% on the village and we had to raise it 9% on the village just to break even. Cadwell said that she had looked into this just to see where we were at and some months we are barely breaking even the cost of the electrical service versus what we bring in from customers. Fergus said he thinks that will change when the three phase customers are being billed correctly. Starr wanted to confirm that we are not charging the right amount for the service. Fergus said the billing issue has been corrected on his end. Starr wanted to know if that is something we can go back and charge for. Wilken said that is something that is metered so we can go back and look at that. Wilken said there was one business in town where the multiplier on the meter was ten when it was supposed to be eighty. Fergus said that customer whose bill is usually 200 to 300 is going to around 1000.00. Barga asked if the bills are correct under the current rates. Fergus said they weren't the month before. The actual rates are right the multiplier was wrong. Barga said that in this situation he thinks you can do that calculation and come up with a bill. He would present that and then give the customer time to pay it. Wilken agreed because the bill will be thousands of dollars. Barga said that different towns will do it differently but he thinks in terms of a municipally owned utility it is the board's choice. He thinks it is a policy decision on how that needs to be handled. The first step is figuring out what that amount is and get the bill worked up. It would need to be present that to the customer with explanation. Fergus wanted to know how far back we would be able to bill. Barga said he is not aware of any kind of limit on that. Fergus asked if the village was able to go back to day one if need be. Barga suggested doing that calculation and figuring out what that is. Starr asked if there was only one business that was being miscalculated on. Fergus said it was there was two business. Barga said figure the charges and then if there is some issue later on down the line we can deal with that. Fergus said he doesn't know if it had something to do with the software change. Piehl said she doesn't ever remember his bill being very much. Piehl asked Fergus if he had looked at all the business in town to make sure there isn't any other issues. Fergus said he went through all the multipliers to make sure that everyone was correct. Barga said he is aware of a similar situation of where a school district was undercharged. They are going to calculate that amount and present it to the school board. Wilken and Starr agreed that this issue should be tabled.

Gerlach made a motion to table until the next meeting. Wilken seconded the meeting.

Aye-Piehl, Starr, Gerlach, Wilken

Nay-None

Motion carried

4. Discussion approve/disapprove tire for bucket truck
 Fergus said there is a chunk of tire missing from the rear tire of the bucket truck. He said he has already spoken to Fiala's. He thought we would have to get a new tire but he was thinking he could get a used tire. The truck is never taken outside of town. Fiala said he has a decent tire for under \$200.00. Wilken said to make sure it is about the same size of tread depth as the rest of the tires. Fergus said he has to check dates on all of the tires. He said eventually all the tire will need to be replaced.
 Gerlach made a motion to approve the purchase of a used tire not to exceed \$250.00. Starr seconded the motion.
 Aye-Wilken, Starr, Gerlach Nay-None Abstain-Piehl Motion carried
5. Discussion approve/disapprove estimate to pull and inspect well
 Piehl said that Vandeman had sent over an email that gave what an estimate of what they would look for. If there are repair that need to be done they will consult the boards first before just fixing the issue. It would be around \$6000.00 to go in and check to see if the well is something that can be repaired. She thinks that this is the best bet \$6000 compared to \$300000. The \$300,000 is not including what it would cost for a company to find a new well spot. I don't know if it is something that needs to be done tomorrow necessarily but I think it needs to be done soon. Wilken suggested having the repair done after the end of the fiscal year.
 Wilken made a motion to approve the \$5910.00 to Layne for the pulling and inspection of the well for after October 1, 2018. Piehl seconded the motion.
 Aye- Starr, Gerlach, Wilken, Piehl Nay-None Motion carried
6. Discussion approve/ disapprove removal of campers in trailer court
 Breazier came to introduce himself. He recently moved in a camper to Eden's trailer court. Amongst visiting with some other residents, he was made aware that he was in violation of a city ordinance stating that they are not supposed to move campers in to the trailer courts. He did some further research and contacted the board chairman. He suggested getting the issue be put on the agenda and discussing it. Wilkens has seen the camper out at the trailer park. Breazier said it is probably one of the better-looking establishments on the property. He wanted everyone to know that he is only going to be at that location temporarily. He has full intention to put in a purchase agreement to purchase some land from Ahlman. He plans on doing some development in the city of Greenwood or the surrounding area. He is planning on building some houses and duplexes. Ahlman stated he only plans on being in that trailer court for six months. Breazier said that was correct. He owns a house in Omaha Nebraska at around 104th and Q Streets. It is up for sale. He said you are more than welcome to research it on line to validate his word. Piehl said her concern is not with the camper. It is more the fact that we have ordinances and rules for a reason. If we make exceptions for you, we have to make exceptions for others. Breazier said he understands what she is saying and would think that as the landowner of that particular facility, Eden should know what the local law surrounding moving in campers. He should have been told by Eden that the local law will not allow that. Breazier also mentioned that there is more than one camper in the trailer court. Piehl said she is aware and they are in the process of trying to remove it along with some other things. Eden was supposed to inform the board that the camper was being moved in and failed to do so. Gerlach said he agrees with Breazier that Eden should know what is allowed on his property and what is not. Gerlach said the board has talked to Eden a couple times. There continues to be issues. Gerlach said he doesn't know how to proceed with this. Breazier said one of the reasons he is bringing this up and coming to the board. He wants to make sure that he is doing things correctly. He wants to make sure everyone is on the same page. Piehl stated that she appreciates him coming to the board and wants him to know this is nothing personal. Starr asked him if he pays Eden month to month. Breazier said that is correct. Piehl asked if Eden mentioned any issues with Breazier moving his camper in. Wilken said he did this with the last camper. Elliott asked didn't Eden have his own camper in there for a time. Gerlach said he got away with that by saying that was his office. Wilken said technically Eden is supposed to have an onsite office and a tornado shelter. Barga said he will have to look at the ordinances and get back to the board with a recommendation. Starr said the issue is he already paid for electrical service here not knowing. Breazier said he caught hearsay of residents speaking about it. That's when he began to question whether it was legal or not. He said the last thing he wanted to do is have a black eye with everything he is going to be bringing to the board for approval in regard to developing. Wilken said that he initiated this by calling the office and then

getting ahold of Wilken. Wilken said that he is trying to do the right thing. Gerlach agreed and wondered where the owner of the trailer court was. Breazier said he would like a heads up if he is going to have to uproot in a certain period of time. Bargaen said that we should be dealing with the landowner not Breazier. Bargaen said the village won't get involved in the landlord/tenant aspect of it. In terms of the board and village's authority is to enforce ordinances it really doesn't impact the tenant. It may impact the tenant, but our dealings are with the landlord. What happens beyond that, will be with the landlord. Gerlach said that Eden is not providing the services that he should be providing down at the trailer park. There is supposed to be an onsite office and a tornado shelter.

Wilken moved to table the removal of the camper from the trailer court until speaking with Eden. Gerlach seconded the motion.

Aye-Piehl, Starr, Gerlach, Wilken Nay-None Motion tabled

7. Discussion approve/disapprove parking a 519 6th Street

Piehl said those were two different things just put on the same line. The parking is actually on Elm Street a crossed from the Christian Church. She thinks that we should discuss changing it so that parking should only be along one side of the road. The problem right now is that you can't really drive down the road when people are parked along both sides of the road. The road itself is to narrow. People started parking in grass right next to the soccer field. Gerlach said they have had an issue with that before. There is an ordinance or something passed. This goes back fifteen years ago. Piehl said that maybe Christian Church should approach the Co-op about using the parking lot over there. She feels that there has to be a better solution than not being able to get down a street because of the parking. Starr said that he feels even if no parking signs are put in place people will still park there. Fergus said it needs to be enforced. Starr said at least give warnings. Piehl said there are safety concerns that go along with it. Often kids walk out from behind parked cars. You can't see them because there are cars everywhere. Fergus suggest putting up 15-minute parking signs. Starr and Wilkens wondered who would enforce the issue. Piehl said that obviously a sheriff wouldn't be able to make it there in time to enforce it. Gerlach said that one thing that was brought up was the entire length of the block putting diagonal parking along the street. Fergus said that they wouldn't be able to fit diagonal parking along that street. Wilken said we might be able to tear grass out. Fergus said that wouldn't be a bad idea. Piehl asked if the Christian Church owns the area behind them. Gerlach said yes. Piehl asked why they don't install a parking area behind the church. Gerlach said that they are required to have a certain amount of green space. There is not enough room they have looked into it before. They tried to buy the land next door to them numerous times and they weren't able to do it. It is a thorn in our side that we are not going to make everyone happy. Gerlach said the ideal situation would to be put in diagonal parking in, but that would cost a lot of money. Wilken suggested installing it but putting rock down. Fergus suggested asphalt millings and said that it could be done for fairly cheap. Starr suggested they ask Christian Church to chip in with the cost. Wilken said it would definitely be something to look at. Wilken said we would have to see how much ground we would actually have to take and make sure there is not any wires or pipes where we would dig. Everyone agreed that it would be a good idea. Wilken suggested finding out how deep we would have to dig without it effecting the fields. Fergus said that he doesn't see it effecting the field the only thing we would have to do is put the bleachers on the other side. Starr suggested figuring out price and reach out to the Christian Church to see if they are interested in helping. Wilken made motion to table parking. Gerlach seconded the motion.

Aye-Starr, Gerlach, Wilken, Piehl Nay-none Motion tabled

Resolution and Ordinance

1. Consider Resolution No. 18-6 to appoint Village Clerk

Wilken made a motion to approve Resolution No. 18-6 to appoint the village clerk. Gerlach seconded the motion.

Aye-Piehl, Starr, Gerlach, Wilkens

2. Consider Ordinance No. 479 for salary increases for James Stewart and Zach Fergus

Wilkens is concerned that Fergus didn't receive his six-month review. He should have an increase in his wage more than the 3% because he was to receive compensation after his six-month review. Piehl said that she is completely fine doing that but her only concern doing that is that she feels Stewart does a good job too. She says they do different jobs but they both do both of them well. Wilkens said the way he understood it, he was going to get a review of after six months after being

hired and Stewart has been here for along time. Piehl corrected him by saying it was six months after his last review. Fergus said I only received a 1% raise because there was stuff you wanted me to work on. I was told after six months I would receive a review and a raise if I completed the stuff you wanted me to work on. I worked on the stuff and never received a review or a raise. This is just to supplement the 1%. Piehl said she understood. What she is trying to say is that if we go back and give you the other 2% and then another 3% that would be 6% in a year. Starr said the board agreed upon the fact that the most that could be given in a year would be 3%. Starr said they need to stick to their word. We can't give more than the approved 3%. Wilken said that he agrees with Starr but then again Fergus's situation is different. Bargaen suggested to motion to adopt the ordinance and then we can talk about amendments to the motion. Wilken made a motion to approve Ordinance No. 479 for salary increase for James Stewart and Zach Fergus. Gerlach made a motion to amend the Ordinance No. 479 for raise effective date of August 1, 2018 for both sections 1 and 2. Wilkens seconded the motion.

Aye-Piehl, Starr, Wilkens, Gerlach Nay-none Motion carried

Wilkens made a motion to suspend the three readings. Gerlach seconded the motion.

Aye- Starr, Gerlach, Wilkens, Piehl Nay-none Motion carried

Piehl asked what are we going to do for the raise. Wilken said 3%. He said that Starr had a point. Starr said it is tough to go back in time is what he is trying to say. Wilken said he can see both sides of the fence. Wilken asked what Piehl's opinion was. Piehl said that she doesn't know if we should give the 5% and going forward stay at the 3%. Starr said then we are going against what we approve. Gerlach said we capped everything at 3%. Fergus said this was discussed before that was approved. Gerlach said he understands that. Fergus said I was supposed to get that review and that raise but it kept getting pushed back, but everyone was too busy. Fergus said that he feels that he has really improved in this last year. Things are getting done and things are cleaner. Wilkens asked Bargaen how we can do that legally. Bargaen said if you wanted to change the percentage you could amend again. Starr said if we amend again and we told both employees that they would receive the max then would we have to give Stewart the same. Bargaen asked if these employees are at the same level same station and pay grade. Piehl said they have the same job but they do different things. Piehl said that is because Fergus has taken on different things than Stewart has. Piehl said that on paper it looks like they have the same job. Bargaen says if you are going to do different percentages it is better to do that based on a review of some kind. Bargaen says he would recommend that they consistent percentages. Gerlach said we agreed to cap the raises at 3%. Starr said that we did that before the reviews just so we had a number in mind. Bargaen said that could be adjusted now. It is a policy issue not a legal issue. Wilken suggested we do a review for Zach say in a month from now. Starr said we could. Piehl said it should have been longer than a month. Elliott asked why it wasn't done six months ago. Starr asked when the review for Fergus was done. Piehl thought it was December. Fergus said his review was done in September 2017. He was supposed to have a six- month review to see if things had changed and go from there. Wilken said it should have been done in March then. Elliott asked whose job it was to say this review is due or is it the employee's job to say I need a review. Starr explained previously that before it was done after a year of employment. They changed policy now and everyone's reviews at the same time after the beginning of the fiscal year. Elliott said in this case, Fergus's review was missed and that is not Zach's fault.

Gerlach said his suggestion is to do the 3% and then doing a bonus to make up for the missed reviewed.

Board questions or concerns

Gerlach brought up down by the coop there is paint around a couple shut offs. Fergus said they are coming back when they bring the man hole for the sewer. Piehl asked if they will be leveling out the area over there. Fergus said he will discuss this with Paver's.

Gerlach mentioned the flooded area he refers to as Lake Greenwood. He said harvest is coming up and there is water sitting over there. He asked if anyone has heard anything from the railroad or the state. Fergus said that was back when Fiala was on the board. He thought Meyer and her were in communication with railroad regarding the drainage issues. Piehl thinks there was a folder with email contacts in the office somewhere.

Mack asked if there is a job description for Fergus and Stewart. Piehl said maintenance employees. Starr said he thought there was something along those lines. Mack said that you need to have a job description because he does a lot more than Stewart. Mack said he knows that from

what he sees. Mack said one of these guys needs to be the boss. Piehl and Starr said they have had that discussion many times. Mack asked when it was going to happen. He said one of these days, Fergus will get upset and leave. Mack asked the board where they are going to be then. Starr said that has been discussed already. Mack asked how long they are going to get by with we have discussed that already and that is going to be the end of it. Piehl said that in the grand scheme of things when Stewart gets ready to retire, we will probably go down to one maintenance man and hire someone to do the mowing. Mack said you still need to have a job description for these men in regard to what they are supposed to be doing. Starr thought there was something in the files or at least that is what he has assumed. Starr said when he got on the board these employees were already here, so he assumed they were given a job description when they were hired on. Mack asked how they were even able to do a review if the employee doesn't have a job description. Starr said that is basically what has been done. Mack said that this isn't right. Mack asked when things were going to change. He went on to ask if this board was going to change it or does the next board need to change it. Starr said probably the next board. Gerlach said to his understanding the employee handbook has certain descriptions/things that they are responsible for. Gerlach asked if he is correct on this matter. Piehl said her only thing is where does the list start and stop. Elliott asked is there certain things that Fergus does that Stewart doesn't do? She asked who climbs the poles. Starr asked that the employees put together their job description because they know their job best. He said they can do this and we can review it. Piehl said there again there is no start and stop. Fergus said that before he got hired, electrical never got dug in before the electricians were here. The electrical was dug after the electricians arrived. Bargaen said we are way beyond the issues at this point and we will have to resume this at a different time. Wilken said his concern is we have one board member that has now missed six meetings and how do we handle that. Bargaen said in general the statute provides that if a board member misses more than five consecutive meetings, there will need to be notice and a hearing. At that point, once that has occurred than a vacancy will be established on the board. Once there is a vacancy there is a process to fill that vacancy. Starr said that in an email, Bargaen recommended reaching out to the board member. Bargaen said the statute only states notice and a hearing. Gerlach asked if we need to send a registered letter to ensure the board member receives it. Bargaen said that should be fine along with public notice of the hearing. Piehl asked if we should try and fill the seat because this is his last term. Wilken said he will be off in December. Elliott said it would be kind of stupid to put someone on the board temporarily for three months.

Adjournment

Wilken motioned to adjourn at 8:15pm. Piehl seconded the motion.

Aye-Starr, Gerlach, Wilken, Piehl

Nay-none

Motion carried

City Clerk