

Greenwood Nebraska

Small Town, Nebraska with Big Heart

Board of Trustees January 30, 2019 Meeting 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, January 30, 2019 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.

Mack, Piehl, Gerlach, Wilken, Starr are present

Consent Agenda

Minutes

Claims

Approval of time cards

Financials

Gerlach said that he would like for the clerk to start adding a footer with page notes to the minutes. Wilken mentioned that he is concerned about the library exceeding the \$300.00 on an invoice. He told Frank that for any purchase under \$300.00 only requires one village board member approval and anything above \$300.00 requires three village board approvals. Frank said she didn't believe she had made a purchase over \$300.00. Wilken told there was one that was over \$300.00. The clerk told her that it was the subscription for people magazine for three years. Wilken explained that it wasn't as if they would deny it, but every other department has to follow that policy. Frank said her library board usually approves that stuff. She asked if now she has to come before one of the board of trustees for approval? Wilken said all she has to do is call someone and get the approval. Wilken said for example the fire department has a board, but they still have to get the approval from the village board. Piehl made a motion to approve the consent agenda. Gerlach seconded the motion.

Aye-Piehl, Gerlach, Wilken, Starr, Mack

Nay-None

Motion carried

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.

Elliott said that she was a little concerned when she arrived tonight that the board was in session. Wilken explained that they had a training workshop for the NeWRa. Elliott asked if it was posted. Gerlach and Wilken said it should have been. Cadwell said she was unaware of having to post that. Elliott explained that if there is more than three members together it is considered a quorum and needs to be posted as a workshop. Gerlach mentioned that in the future, when the board members go to the Mid-Winter conference make sure that is posted so everyone is aware that we are at that meeting. Wilken said that he thought it had posted on the agenda. Cadwell explained because it was before the meeting, she left it off the agenda.

Old Business

Discussion approve/disapprove sale of 1990 GMC Chevy

Wilken said he feels that the truck is doing good for what we are using it for. He said if we keep the truck the town guys don't have to waste the time taking the spreader off. Piehl said the more we talked through it at last meeting, she agrees with keeping the truck.

Wilken made a motion not to sell the 1990 GMC truck at this time. Gerlach seconded the motion.
Aye-Wilken, Starr, Mack, Piehl, Gerlach Nay-None Motion carried

Public Hearing

Wilken opened the Public Hearing at 7:05pm.

Rezoning of 32-12-09 Leadabrand's Lots 1-2 NW1/4 SW1/4,

Parcel ID #'s 130392562 & 130392563

Wilken opened up the meeting for the people that are for the rezoning. No one stood up to speak.

Wilken then opened up the meeting for the people that are opposed to the rezoning.

Steve Wright from the Planning and Zoning Commission stated that at the last meeting the board was against the rezoning of these lots. Wright explained that he had three citizens that showed up to the meeting opposing the rezoning. There was also an email opposing this that had come in from a citizen that lives directly a crossed from the area. Wright explained that the reason the planning and zoning commission made their decision to oppose this was based on 11.02.02 an application for a change of district to light industrial district shall contain a minimum area of five acres. We found out after our meeting that statement was probably a typo. Wright asked Bargaen if that was correct? Bargaen replied yes. Wright said the typo was due to the light industrial because we do not have a light industrial area, but we do have an industrial area. Wright explained going forward with that, he would like the board to consider the intent of that. He said that was really based on that an area should contain 5 total acres without any roads or easements in them. Wright said he thinks the intent on that was so that you can't just parcel up a piece here and a piece there or anywhere within a residential area and turn it into an industrial area. He feels that an industrial area would have a negative impact for the neighbors in that area. He thinks the intent of that is still a basis for denying the application for rezoning. He said the only reason he is here tonight is to voice that. Wright said that we will probably need to go back entirely if the board doesn't consider that. He said that he has a picture on his phone of 48 hours prior to the Planning and Zoning meeting, where the zoning sign that was posted incorrectly. He said that it stated R-1 to R-2. It did not depict what Ahlman was requesting. It did not state R-2 to I-1. Wright said the village did not meet the requirement for the 10 days prior to the meeting to notify everyone in that area via the zoning sign. Wright said he still has the picture on his phone as proof and he will provide it as evidence as needed.

Ahlman mumbled something inaudible. Wilken asked Ahlman if he was against his own rezoning? He said no, but he is able to rebuttal what Wright is saying. Wilken said he could not at this time.

Anne Corey said she is against the rezoning too. She doesn't agree with putting industrial behind residential properties. She also explained that there is no access without going through residential communities. She also mentioned that she didn't think that too many people would like to build a house in front of an industrial lot.

Karin Sabin explained that one of the reasons she is against this is because Ahlman keeps changing what is going to be done with this property. She said when the application was given to the old planning and zoning board, that he said the land was his and he wanted to sell it to someone that didn't want to purchase the land unless it was zoned industrial. The next thing that Sabin hears is that it Ahlman said it is not his land, he is just a representative for a corporation. Ahlman has also stated that he is going to park his equipment on those lots, because his wife is tired of seeing it in their driveway. Sabin pointed out that if Ahlman's wife is tired of seeing it, no one else would like to see it either.

Jerry Corey said that there is a potential for the houses to be built in that area. He fears that by allowing Ahlman to rezone it could also affect the property values of the houses already existing. He pointed out that a bus route runs through that area and asked if we want heavy equipment riding through an area our kids are entering and exiting buses?

Sabin pointed out that citizen had brought up that we are trying to build the town. If you take and turn them industrial, you are losing lots that could have been for families.

Wilken asked if there is anyone else that would like to speak? There was no reply so Ahlman was given the okay to offer his rebuttal. He said that somewhere in the shuffle, someone came up that I wanted all the lots rezoned. He said the request is the back two lots. He said in the beginning of this, he had people approach him wanting to know if he had any lots that were zoned commercial. He said at one time he was going rezone all he lots. He feels that rezoning the back two lots will not cause too much conflict in the area. He said he didn't want it to bump his property value down. He explained that on the back two lots no one would want to build a house on anyway. Ahlman explained that as for the five acres, Gerlach can look on page 126 and it looks 5 five acres and it is adjacent to industrial. It doesn't matter that there isn't any streets or alleys. He said that he doesn't feel the gentleman crossed the street would be opposing this if he was aware that he was only trying to rezone the back two lots. This would in no way even be near that man. He said that it would be 350 ft or more away from his house. He said that it references to the comment about needing the lots for houses, he said everyone has about 4 or 5 lots. Make them sell their lots for houses. He said that there is room for 40 brand new houses a crossed the railroad tracks. He said that shouldn't be an issue. He said that Gerlach can verify that there is no five-acre requirement.

Wright said he would like to make a statement regarding Ahlman's comments. He said the area that he is referencing is the railroad and it is in yellow on the map which means it is zoned residential. He said that his reference is incorrect. His property is not abutting up to an industrial zone. He likes to say that, but if you look at the current map and what is on there he is not correct. Ahlman asked Gerlach if the map on the wall is current? Gerlach said that at this point of time the map on the wall needs to be adjusted to what is on file with the county right now. He said that he knows that there are two properties on this side of town that are not zoned correctly on this map. As for the other side of town, he is unsure. Wright said that this is the map that we have available for use and this is the map that we use to base our decisions on. Wright said it is up to the board to make those corrections and in a timely basis. Wright explained that if the planning and zoning board made a mistake, it was not intentional. Gerlach said he understood. Gerlach asked what is on file now with the lots that Ahlman would like rezoned? He just wanted to know what he had in front of him. It is only two lots correct? Wright said no, his original application stated all six lots. Gerlach said that is what we have on file Ahlman. Wright said this was sign that was up two days before our last meeting. Cadwell said she thinks that when Ahlman revised it before showing it to Gerlach, she never received a copy of the revised application. Wright said that it is illegal to change the sign once it has been reposted. Cadwell stated that she was not referring to that. Wright said that anyone that changes that sign, the punishment is a misdemeanor fine. Bargaen stated that the village is allowed to change the sign, but anyone else is not. Wright stated that Ahlman change the sign. Ahlman said that he never changed that sign. He told Wright to stop being ridiculous. Fergus said it was posted and then realized the information was incorrect. Fergus said he is the one that changed it. Wright said regardless it has to be posted ten day before the hearing with the correct information. Wright said that with that information we will just have to throw this out and start over again. Bargaen said it is always best to have things all lined up. The chance that someone could challenge it based on this would have a hard time, just based on that one particular thing. Bargaen said it would be best that this is redone and made sure that all the postings are correct. That would be the best practice to make sure that it doesn't cause a problem later on. Wright said he is only throwing this out there based on that the board may approve this. Wright explained if they would deny this than we wouldn't have to go that route. Wright said he threw that out there based on the approval from the board. Bargaen said it is best to do it all correctly. He stated he was unaware that this had taken place. Wright said that at our last meeting he felt like they had this locked down with the five-acre rule. He said the light industrial issue will have to get cleaned up because we don't have a light industrial area. Bargaen said that he knows that was a typo, but he also doesn't think that

requirement is valid. He said that since the village doesn't have a light industrial district, so that whole provision does not apply to anyone. Wright asked if we would have to rewrite it to say industrial? Barga explained that at this point you would not be able to do that half way through. If the postings are not correct, those are always things that can trip up the process. He said either way to make sure there is not a challenge at some point it would be best to redo. Wright said again, he feels that the intent of that was pretty clear on what they wanted to do. Barga explained to Wright then that becomes a policy question for the board and how they would like that to be a rule or not with the planning and zoning board's recommendation. Ahlman said that if he remembered correctly and it is in the planning commission's minutes, the first meeting the issue came up on the rezoning. Ahlman said that he showed a letter saying he owned zero percent of the property. He said that it was stated that Ahlman had the right to represent the owner and rebuttal everything but he was not able to vote on it. Ahlman said he was told by Barga that he would be able to explain the rezoning. Ahlman said that he was never given that right because Wright took it away. Ahlman said that when he tried to correct or explain he was told to shut up and that he was not able to speak. He said that he never was given the chance to explain any of this stuff. Barga said that his advice to Ahlman as a board member for the village and again remember my client is the village, he explained that Ahlman's relationship to the corporation he doesn't care about. He said that the only thing he cares about is the village's legal position. He said that Ahlman needs to recuse himself while this is being considered, from any kind on discussion. He said that you would be able to present. Ahlman said he was not given the right to present. He said that right was taken away. He said that a gentleman discussed that there was really a need for more area for houses. He said that he explained to the people at the meeting that he only wanted to rezone the back two lots and leave the remaining four for houses. He said that they kept replying with the need for five acres. He said they only needed to read down another notch and it states there is not a need for five acres. Ahlman continued to say that the property is backed up against industrial. If the railroad is zoned residential, we have a problem. Ahlman said that he did look at the map and it does look funky. The railroad looks residential but we all realize that this is an industrial situation.

Cadwell said she wanted to state that she types the minutes from the planning and zoning meeting. She went on to explain that Ahlman had plenty to say. He dominated the entire meeting with things he had to say. Ahlman said that was only because members kept interrupting him. Cadwell asked Ahlman to quit interrupting her. She went on to explain that Ahlman deflected, interrupted, you were loud, and his behavior was not of someone who was trying to represent a corporation in a professional manner. Cadwell explained that if someone has to tell you to lower your voice three times that is unprofessional. He interrupted Cadwell by saying that he doesn't hear good. Cadwell continued by saying he deflected while discussing your rezoning, you took it upon yourself to point out that another citizen house is located on an industrial zone. You completely deflected and took the meeting from your topic to another. Cadwell stated she feels that members of the planning and zoning members volunteer their time because they find their community important. Cadwell said that she would like to see Ahlman behave in a more professional manner. Ahlman said he wishes that a member from the board could have been present for the meeting to keep the meeting on track. Cadwell pointed that the whole meeting is on tape. Wilken said that we can just end this right now. Mack told Ahlman that we are all getting to that point right now. Everyone is starting to get upset. It is time that you back off. Everyone understands that there is a problem that needs to be corrected. You have had plenty to say. We have had enough. Mack said that if Ahlman continues we will ask you to leave. Wilken asked if there were any other questions? Piehl said that she would like to state that they received two more complaints regarding this issue for people that are against the rezoning. Ahlman wanted to know who they were. Piehl said that one of the people complaining is within the 300 ft from the property. Piehl said that Mr. & Mrs. Horn made a complaint. Ahlman said that they are not within 300 ft. Piehl said she thought they were. Barga said that they don't need to be within 300 ft, people are allowed to write what they want to. The 300 ft deal is, either you post the

property or you send out information to people who are within 300 ft. You only have to do one or the other. Bargaen said that anyone in the village is allowed to comment on this because this is a public hearing. Wright said that if there a certain majority within the 300 ft that $\frac{3}{4}$ of the board has to vote for it for it to pass. Bargaen said that if enough frontage is affected within that space. Ahlman said that he is only speaking with people within the 300 ft. Wilken explained that the 300 ft has nothing to do with that. Ahlman said the book talked about everyone being notified within 300 ft. Bargaen said that anyone in the state can walk into a public meeting and comment. Piehl said the other complaint came from Fiala and that was due to other properties you own. Gerlach said that right now with what the planning commission is stating and what Ahlman is stating, he would like to see the paper trail on this so he knows exactly what is going on. He said he would like to see this thing nailed down. He knows that there is stuff that Ahlman has brought up here, specifically the original application. Things were changed in the process, and there was another application submitted. He said he is looking at what he has here in front of him. He knows that Ahlman has discussed these numerous times. At this point, he can't make a decision because he doesn't have all the information in front of him.

Cadwell explained that in the beginning of her employment, there was an application already on file. She said that it had gotten pushed to the way side for what ever reason. She allowed him to resubmit the application. He resubmitted the application, then talked to Gerlach, and then made changes. This happened several times. She has a copy of the third revision. She said that when she went to publish for the public meeting, she used the information available for what she had which was for lots 1-6. She said she just copied what was on the application. She said that when she published for the first public meeting, she published wrong. She said she corrected the issue for the second public hearing. She said she doesn't have the correct application on file. She just wanted to make everyone aware of what happened.

Starr told Ahlman that there still isn't a plan for what is going to be put in at the rezoned lots. He said that if he could come to the board with a plan, he might be for the issue. Piehl said that has been asked several times by us and by planning and zoning. Wilken said that original application states storage and maintenance for equipment owned by For Real Investments. Ahlman said that Horn a crossed the street is complaining and I guess this is not a big deal. Wilken stopped Ahlman mid rant, by saying that they were not requesting comments from him at this time. Ahlman ignored Wilken and continued by saying he is trying to move his equipment so it is not an issue. Elliott said she is sure what they are called, but these big buildings around town, can't you put one of those on that property. Wilken said he doesn't want to put a building up. He just wants to store stuff on those lots. Wright said currently to do that he would need to put a house on the property. He said you have to have a house before a building. Technically, Ahlman could do what he wants to do, he would just need to put a house there first. Then he would need to build a shed big enough to house his road grader, etc. Then everyone would be happy. Sabin pointed out that if he would put up a house there then it would not be able to be zoned industrial. Wright said or you could just put a building up where you live now. Bargaen said that the zoning regulations will specify how many square feet you need for a house, accessory building, etc. Typically, you wouldn't approve an accessory building without a private residence. Gerlach said that there is an exception to that, if it is adjoining another property.

Wright stated he would like to make a comment regarding the railroad being zoned industrial. In every small town, from the east coast to the west coast there is a railroad that goes through all the small towns of this country. He said that the railroad has been there for hundreds of years. It has to be zoned industrial. So to base a land change, based on what the railroad is zoned has got to be thrown out. He said that it is grandfathered because what else are you going to zone a railroad going through a town. To use that logic, you could have the whole town zoned industrial. You could buy up five acres or whatever it would require and zone that industrial and go from there. What is to stop that? Gerlach said that legally someone could do that, could they? Bargaen said that rezoning is a policy decision, not a legal question. It comes down to does it fit the comprehensive plan. The comprehensive plan is always your main guide although it is not legally

binding. The zoning regulations are legally binding them. If you talk about changing them, then you are looking at all sorts of things. You are looking at policy questions, like land use, what's the neighborhood, what do you want to use it for, etc. There is no entitlement to rezoning. It comes down to a policy decision for what the community wants to do. Wright said that for me reading the comprehensive plan, the best use of the land was laid out in there. For him, changing something to industrial would require some business that would come in here that would provide a substantial return to the town based on the business, taxes, what they would provide to the community in terms of employment and in this instance, he sees none that.

Mack said he would like to get this wrapped up. He said that they have been discussing this since before he got on the board. He said it is time that we get this squared away, so at the next meeting we come in and we have everything lined up that needs to be done. That way we can get this man what he needs or does not need. He said that those are his feelings on this. This has been going on way too long. He said he doesn't know who is right. Wilken said that if we are going to redo this, they will have to start the whole process over again. Bargaen said that you can vote to recommit this back to the planning and zoning commission. It sounds like that the public notice needs to be readjusted. Cadwell said she needs a copy of the rezoning application with the corrections on it. She said that Ahlman had listed the address as his residence. He said to make sure you have all the correct documentation. Corey asked if it comes back to the planning and zoning commission, then we will have to start all over again. Wilken said you will have to do what you did before. Wilken said that he will have to fill out a whole new permit and start from square one. Corey asked if the board was going to have to listen to all his comments over and over again? Just like we have for the last two and half months prior? Wilken said that basically he will only need to present it and whoever is the chairman needs to run the meeting. If he behaves like he did in the prior meeting, they need to shut Ahlman down. Wright asked if they can use all the complaints that have been filed for the previous hearings? Do we need to ask these people to go back and redo this? Bargaen said no, because for these people and this is an actual doctorate in the law, for people who, even if the notice is not correct technically, for the people that show up can't say well I didn't get notice, because they are there. So for anyone that has already commented or written a letter those are all still in the record.

Piehl asked For Real Investments, is that you Ahlman. Ahlman said that he used to have stock in it, but does not anymore. He said he is their representative. Piehl asked him if he owned anything? Ahlman said that he no longer owns it, he relinquished it all through a letter that was given to Bargaen. Piehl asked so if I called on it your name or your wife's name would not come back on this property? Ahlman said that he does not own any of it. Piehl stated so your wife does then. Ahlman explained that she might have one share, but he can't disclose any of that information. Piehl said that is all she wanted to know. Ahlman said that in relationship to the application, to what she said, the application stated my name, my address, and what I wanted rezoned. It is up to you guys to figure out the rest. Piehl said no that is not how it works. Gerlach asked Ahlman if he had a certified document stating you are an authorized agent to rezone this property? Ahlman said he was given permission, but he could get that. Gerlach said the reason he is asking this is because if you are not authorized to do this, how will this work? Gerlach said we would be going by word of mouth here. He knows there is the verbal contract thing. Piehl said that they just found out recently that he does not own this property. Wilken said that before it he stated it was his property. Cadwell said that if you look it up on Cass County GIS it says For Real Investments and underneath it, it states Nathan and Lynn Ahlman's name. Ahlman said he gave up and relinquished all his property. Ahlman said that would be like him asking Wilken, who all had ownership in his company. Mack said we need to end this. Bargaen said that what the village needs, the regulations state an owner may. Clearly, you can not try and rezone a property that isn't yours. Bargaen said it needs to be someone that owns the property and if it is not, and if it is a business or a corporation, it needs to be somebody that represents that company. Bargaen says if there is a question in regard to who owns and represents the property, the board has the right to ask for the authorization. Wilken closed the public hearing at 7:40pm.

New Business

Library Annual Report

Frank said that she is required to give this report to you before the second Tuesday in February by state law. She said that she will just let the board members go through and read it. If you have any questions, just ask her. She has included two spread sheets. There is one on the magazines they have and one on the check outs through out the months. On the back, this is also required by state law that the board signs. Piehl stated that it is great that she is going to the daycare to read to the kids. Wilkens agreed. Frank said she goes to Mary's Daycare every other week and read 2 to 3 books to the kids. She said that it is fun. She said she has always loved little kids. Gerlach asked if over the last year, have you seen new people using the library? Frank said that since July, six new people have signed up. Four of those people are new to town. People are using the services, so that is good. Piehl asked if Frank has thought about doing the digital check outs? Frank said she is able to do that with the Apollo system the library uses. She said she hasn't activated yet though, because she needs to get a computer in there that works better. She said that the company that is used is call Bibliotic Apollo. She said basically if everything in the town where to collapse, all her records would be with them. She said that she would be able to access the records from anywhere. She said in regard to digital check out all she would have to do is say that she would like to be able to do that and they would help her. Gerlach said that he is working on getting funding for a new computer. Elliott asked if going digital would take away from people coming to the library? Frank said no, she would still have to be there. Elliott asked why would people come to the library if they are able to read the books on the computer? Elliott asked if it is digital can she read a book from your library on the computer? Frank said that is called overdrive and asked her what exactly are you asking about? Piehl said she is trying to ask if she could read a book from the library on her iPad? Frank said that you would have to go to the Ashland library to be able to do that. If you say that you are from Greenwood it would be free. Frank said that she is not able to do that at our library because we can't afford it. The software for that costs around \$4000.00. She thought what you were referring to before was self-check out. She said that she misunderstood what was being asked. Frank went on to say that it would be \$4000.00 just to make the basic down payment. Frank said she can opt in to self-check out, but she enjoys checking people out and visiting with them. She enjoys recommending books to people. Frank explained that we are never that busy where someone has to wait in line to get checked out. Frank said that she would like to comment that we are a Wi-Fi hotspot. She said that she was talking to Corey the other day and found out that the people at the bar are using the library's Wi-Fi. Elliott asked what is wrong with that? Frank explained that there is nothing wrong with that, but she has no way to count how many are using it from the library. Frank said that she is why she said there are at least six hundred users a month. Elliott said that sometimes people sit out front of the building and use the Wi-Fi. Corey said she sees a lot of kids do there homework in the bar using the Wi-Fi. Frank said that since she has no way to count it, she just estimates.

Discussion approve/disapprove 1- and 6-year plans

Julie Ogden from JEO passed out handouts to the board. She said she does not know how long ago that she passed out information regarding the road program. She said that she knows that there are new board members so she thought this would be a good time to redistribute them. She said that the road program are the strings that come with your highway allocation money that you get from state gas tax. We call it road program because that is the easiest way to summarize all the paper work that comes along with the highway allocation money. She explained that throughout the year, there are 3 different times that annually we need to do a submittal. The one- and six-year plan is due March 1. It does require a public hearing next month. As you have been talking, making sure it gets posted ten days before the meeting and making sure it gets in the paper and things like that. The second submittal is a very easy one because you don't have to do anything with it. It is the lane mile report update. She just drives through she just double checks to make sure the roads are the still the same width and the same surfacing. She said for example if Main Street wasn't asphalt before, she would change the surface type. She does spot checks on width because they use lane miles in figuring the equation to get your highway allocation funds. She said they need to make sure that those are correct and that I am measuring them correctly so we have the maximum width in place. That way we can get you the most highway allocation that we can. The

other two factors that go into highway allocation are population and the number of vehicles that our registered. She explained that if there are unregistered vehicles there is a benefit to the village to try and get them registered. Piehl said the problem is how do you get those people to do that? Ogden said if they are not on the street, we can't force them. If you see them on the street, then it is an enforcement item. The lane mile report is due July 31 every year. That is just a form that she submits electronically. The last one is the fiscal report. That is what money was spent from highway allocation on and you are required to match that with a 25% match. Just showing the state what you spent the money on and that it is an eligible expense. You can not use highway allocation to fix your water lines, you can not use it to fix your sewer lines. You can use it to build sidewalks. You can use it for snow removal, build streets, do maintenance, buy rope or equipment to maintain your streets. IF you need a new snow plow or blade you are able to use it for that. Really, you can not use it for water and sewer items. That is something we have not figured for this year. We are waiting for the accountant to finish going through the books. If you haven't got a letter from the state saying that it was due December 31,2018 you probably will soon. Generally, what happens is they will give you until March 31 to get it filed and then they will start withholding those funds until you get it filed. If you don't get it filed by September you will not get your highway allocation funds back. She said that she has been working with Cadwell on that. We are hoping to get it turned in after we get things back from the accountant.

She said that we do get an incentive payment for having appointed her as your highway superintendent. She said that she holds a class A license which is the highest you can be. She explained that is why you get the highest amount of highway incentive, but the money is exactly what she bills you for. She said that the village gets the money but you have to spend it on her for being the highway superintendent.

Ogden explained that what she provided was a color-coded map. We have a state functional classification. That is where North Street is colored purple. On the back side is the federal functional classification and that is where North Street is colored yellow. We are required to show the classifications that the roads are on this these maps. That is not a requirement, but it is something that we hadn't done at JEO for a long time until we went to an updated training. That is where we were told that we were supposed to be doing this, but it sounded as if none of the communities were doing it. That's why there are multiple colors on these maps now. Our current plan shows four different projects. The replacement of North Street, the replacement of West Street, asphalt overlay of Ash Street, and then the newest one is paving Grand Street and 7th Street. Those are all currently shown in your current plan. Last year, we did have overlay on Main Street as a project in your one-year plan. Since that was completed it has come off of plan and put on the appropriate form stating you completed that last year. So now is the time to talk about the projects, making sure that you still want to keep them on there and see if there are any others that you would like to add. She didn't know if there was any that we would like to move forward to the one-year plan or if we wanted to hold out on projects and do normal maintenance this year and build up funds for the next road project the following year. She wanted to know thoughts or questions at this point. Wilken thought at this point, until the budget situation handled, leave everything on the six-year plan. Wilken said that they could still hold some of our money back. Gerlach said that he is still questioning the street that we talked about. Starr said there is no outlet on 7th Street down there. Ogden said that she was trying to figure that out. She said that you are currently getting lane miles for it, to a certain point. It looks as if it goes until a certain point and then becomes someone's driveway. Starr asked if there are other roads that are outlets down by his house that would be more user friendly. Wilken said that he had spoke to Ogden because of Stewart's house there, where do you stop it. You have a \$400,000 house and you have to drive on gravel to get there. Gerlach asked if one of those sections had been abandoned? Starr said that 7th Street is closed by Stewart's house. Mack explained that it really isn't closed. Starr said that it is a street, but it is closed off. Ogden explained that one thing to keep in mind, if it is currently a gravel road, we can create a street improvement district or a gap paving district depending on the situation. She said that you can access a certain portion of the cost to the adjacent homeowners. It doesn't all half to be born by the village as a whole for the first time to have it paved. Once it is paved once, then it makes it harder to access it to property owners. It doesn't make it impossible, but does make it harder. What you are doing with that assessment is showing that you are improving. Starr said for example Cass Street is that one that we could look at getting more highway allocation to get that paved? There is also one by the trailer court that

doesn't really have an outlet. Ogden said that whether it is gravel or paved, you will still receive lane miles for it. A gravel road, no matter how wide, even if it is only 15 which it should be wider, you will get two lane mile credits for that. If you have paving that is only 18 ft wide, you only get one lane mile credit for that. Obviously, if it is a gravel road currently, we want to make sure that we go at least 20 ft. Ogden explained that based on design standards you have to do that anyway. Wilken said he didn't think that Cass Street is a 20 ft street. Mack thought it was around 18 ft. Wilken didn't even think it was that big. Ogden said if we are going to do that, we are going to have to look into what we do and what right away you have. Wilken explained to Starr that the reason it wasn't done in the first place was because no one actually lives on that street. Ogden said if you do not have driveways, it would be more for back up access. Starr said it would only benefit the people that live over there. Mack disagreed with Starr saying yes, they do. Mack said there is quit a bit of traffic down there. Ogden said that would be something that at some point it worth identifying. Elliott said there are expensive houses up there and she didn't understand why there aren't decent streets by them. Mack said that he thought that number 22 is a priority. If that could be possibly done this year coming up, he thinks it is necessary. He said that the guy has a house up there. Mack said that he thinks he deserves more than a gravel road in front of that house. Wilken said that he doesn't think with our budget this year that we would be able to do that until we find out where we are at. Ogden said that we could start investigating it. We could start visiting with your fiscal agent, if you have one selected, to figure out where you are at where you are at with your bonding agent. Could create a street improvement district here or would this qualify for gap paving? Wilken said we would have to wait at least a year. Ogden said this stuff takes a while, so even if we started the district project this summer, you will probably not get it built this year. She said that what she is hearing from contractors is that prices are going to be high next summer because they are all busy from last summer. She said that would be something if you are interested that visiting with those adjacent property owners, to see their level of interest in a street improvement district and assessments for that street. She said that she finds make districts more palatable if people are talked to before they are proposed. Right now, she said her estimate is a chicken scratch but she could provide something in more detail if you are interested in. She can break it up to what is on Grand Street and if you wanted to go a certain distance we could as well. She said that would be up to you guys. Ahlman asked what is shown on Broad Street to North Street going north? He said that technically, it is within the town's corporate limits. He asked if we get any credit for that, even though it is within corporate limits, but it is the only street in the whole town that is not paved? He said that it is not maintained right. Wilkens and Starr directed her to where the area was on the map. Ogden said if there is a line on that map, it is considered a street. She said that she believes the village should be receiving lane mile credit. She said that she didn't bring her lane miles with her, but it is something that she could double check. Ahlman said the 165 ft that is within the corporate limits. Ogden said she will double check and if not, we will get the appropriate documentation that shows the right away had been dedicated at some point. Then she takes a picture and sends it into the state showing there is a road there. Ogden said that her guess is since there is a line there, that is probably on the lane miles. Ogden said that right now the priorities for the six-year plan are North and West Streets being the top two, then Ash Street, and Grand Street last since it was the newest it was at the bottom of your six-year plan. That doesn't mean that during your six-year plan that it can't be reorganized. She said even if you did add another project tonight or we could move it up in the priority. She said that you could take it next year and move it to the one-year plan and leave the other ones ahead of it. Starr said that he thinks Ash Street is a priority. He said that road is terrible. Piehl agreed that it is going down hill fast and that there are a lot of people that drive it. Frank agreed stating that it is like a main street almost. Ogden explained that what they had looked at doing there was more than a standard overlay. We were going to go 4 inches at least. To get a better base. Frank said that there is a man hole by her house that is sinking. Ogden said that when they have discussed that, they would like some sort of geo technical investigation before they do too much. Once we know how much surfacing is there because she has come a crossed situation that everyone thinks it is a six- or seven-inch asphalt road and then they mill off 2 inches and everything else crumbles up because it was only a 4-inch asphalt road. She said that at the minimum she would like to verify that and if there are areas that are bad do some soils below just to make sure we don't need to fix any soils before we put new asphalt over it. Ogden said that any of these in the six-year plan we can

reorder them or move them to the one-year plan. Piehl stated she felt that they should wait to move things to the one-year plan because we don't know where we are at. Wilken said that anything could happen at this point. Starr agreed by saying let's wait and see. Ogden said just because you have a project in the one-year plan does not obligate you to do it in that year. She explained that she has had communities that have projects in the one-year plan for ten years. She said now that is not the best plan either. Another hard part for streets, is how do we fund our streets? A lot of communities are doing that extra sales tax to help fund that. Ogden thought that Greenwood could have possibly maxed out on this potentially. She doesn't think that Greenwood qualifies for CBDG, she didn't think we were that close to our low to moderate income thresholds, so that wouldn't help. She said that there is really no state aide funding for roads anymore. Barga asked about LB840? Barga explained that is the qualified business at some point and you can include infrastructure with that. Ogden said she hadn't used that much. Barga told her that Fairbury uses that. They use LB840 and CBDG. Ogden said we could look at that to see if it is an option. After everything gets approved at the next meeting, she told Cadwell to scan back the documents since they send them to the state electronically. She told Cadwell whenever she was ready to do the fiscals give her a buzz. Cadwell said she thought she would be ready in around two weeks. She just didn't want to provide numbers until the accountants had made their corrections. Ogden said that was understandable. She said that you would be surprised how many communities do a fiscal from year to year, that the balance changes because the auditors changed it. They ask you to submit them by Dec 31, but the year doesn't end until September 30. That's three months to get everything figured out. Gerlach made a motion to table the one- and six-year plan. Starr seconded the motion.

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

Discussion approve/disapprove variance of 722 E. 7th Street

Wilken said that it used to be 900 sq. ft. and then it was raised to 1200 sq. ft. Wilken said he can see both sides of the fence on this. He is not wanting to do the 1200 sq. ft and he understands, but 900 sq. ft. is pretty small. He said that would be more likely to consider it if he changed it to 1000 sq. ft. Barga asked what the variance is for? Gerlach said it is a variance for square footage of a proposed building he is putting in. It is GreenLight Realty that is asking for the variance. They have existing buildings right now. He would like to put up another one that matches those. The variance is to allow him to put up a 900 sq. ft. residence. This is something that was approved refer back to planning and zoning. Wilken explained that this would actually be a duplex with 900 sq. ft on each side. Zoning requires 1200 sq. ft. Piehl said she thought that his cost seems pretty high. Elliott asked if variances were granted for the other properties? Wilken said the other three were completed before. Starr said two were done before and the other one was 1200 sq. ft. Elliott asked why he didn't do 1200 sq. ft again? Wilken said it was due to the cost per square foot. Barga said that just so everyone knows, variances are very strict. The way the statues are worded they should almost never happen. They are for odd shaped or triangle lots, with no building space. There is a whole list and even what is on the form here is not correct. The statues themselves are a whole bunch of issues to get through. Basically, things like convenience or cost, or things like that are not reasons to grant a variance. The policy behind the doctrine is because you are guaranteeing you are zoning to code. It is uniform throughout. He said that he will tell you that communities will grant variances sometimes frequently. Statutorily, it should be pretty rare that they are granted. Starr asked if this is something that should go to the planning and zoning commission first? Barga said that it should at least be discussed there first. Gerlach said that is because there was no planning commission at the time, he built the last one and he followed the same process. Gerlach mentioned that since this is a duplex and it is 1800 sq. ft total and two living units. After discussing this further with Grell, he found out that it there is two utility services going to the address it is a town home. If there is only one, then it becomes a duplex. Wright said that he will have to do some more research into the matter. Sabin said that when he constructed the other ones, he just went straight to Swaim and had him sign off on it. Sabin said that it was never presented to the Planning and Zoning Board. Wright said that Swaim would look at them and sign off on them. We would never get to review them. Swaim would never come to the Planning and Zoning meetings. Wilken said that is why we as the board has put it back into your hands. Wright said that is why we lost a few members a year ago, because they felt the whole process was being bypassed and what was the point of coming to a meeting. Sabin asked if the property

that he is wanting to build on accommodate 2400 sq. ft.? Wilkens thought so. Cadwell said the way he explained it to her was that due to the housing crisis because of the shortage of rental properties. What he had to say about the cost was not related to the costs he was occurring, he was trying to provide affordable housing. In order to do that, he needed to keep it smaller to keep it affordable. Wilken said that some of the houses around us are 1400 sq. ft. Wilken made a motion to refer this back to the Planning and Zoning Board for review. Gerlach seconded the motion.

Aye-Starr, Mack, Piehl, Gerlach, Starr Nay-None Issue referred to Planning and Zoning Commission for review.

Discussion approve/disapprove resident's complaint of snow left of sidewalk

Wilken said there is something in writing saying that it is supposed to be cleaned off. Gerlach said the property in question is 440 Main Street. Wilken said that basically all the way down Main Street has sidewalk. The person who complained only complained about two properties where none of them scooped their sidewalks. Piehl said it is kind of hard in this town, because some people have sidewalks and some people don't. She said she feels as a board that it is hard to enforce. Wright pointed out that we have sidewalks that go nowhere. Wilken said that if a complaint is made, we will send the people a letter saying you have so many days to get it done. We can send them a copy of the ordinance and tell them they have so many days to get it done otherwise we will have one of the town guys do it at this dollar figure. Otherwise, we could be sending a letter to everyone in town. Piehl said that there are residents that have always lived here. Mack said that there is an ordinance that states that sidewalks should be kept clean. The problem is that it doesn't state that the town is going to do it and how much will be charged. Mack said that need to be added. Wilken said correct him if he is wrong, but it is usually the city or town that send the letter. Bargaen said that typically this would be a citation. Sometimes the town will do it or treat it as a nuisance. By the time you hold a hearing though, the snow has already melted. Wilke said that he has seen on the news that the town will do it, send them a bill, and then if it doesn't get paid, assess that to the property. Bargaen said that the ordinance will need to be redone if that is how it is going to be handled. Bargaen said that a courtesy letter could be sent. Elliott asked if this is something that could be posted on the website? Cadwell pointed out that after discussing the issue with Frank that there are a lot of elderly people that are not able to scoop their sidewalks. Wilken said that if someone complains and they are elderly, let him know and he will go scoop for them. Piehl thought maybe the person complaining should receive a letter with the age of elderly person and asking if they would like to help them. Piehl said that she agrees with Wilkens to send a letter reminding the person to clear their sidewalk in twenty-four hours.

Discussion approve/disapprove Michelle Criswell to the park and rec committee

Wilken made a motion to approve Criswell to the park and rec committee. Starr seconded the motion.

Aye-Wilken, Starr, Mack, Piehl, Gerlach Nay-None Motion Carried

Discussion approve/disapprove ordering of electrical supplies

Piehl said they met with the electrician this week. They are currently working on a list to get done. They are going to do a better breakdown of what each list will cost. They gave a list of items that will need in the future. Piehl said she thought that Fergus helped with the list. Fergus said he typed it up. Wilken asked if there is something on the list that is needed right away? Fergus said the quote from Dutton Lansing has the price it. The price is just right under \$1900.00. Piehl said they discussed prioritizing what is on the lists to what needs done. She said they discussed putting electrical underground. Starr said they also requested that that they put together a one to five year plan of doing a couple blocks a year, so we can start budgeting for that. Gerlach said that one thing he does not see in here is the utility poles. He asked if we have any on hand. Fergus said we can usually get one for around six hundred. Gerlach said he knew a previous board member didn't like to have any on hand, but he would like some on hand. Wilken said at least a couple. Starr said that there are a few that need replaced. From what they said there are some in bad shape. Gerlach said that for insurance purposes we need to keep maintenance records on these polls. He didn't think there were records for a lot of them. Fergus said that there are a lot of poles that were installed fifty or sixty years ago. Gerlach mentioned that a street light that was down over at Grand and 1st and they found out that it was only hand dug and put two feet in the ground. Fergus said they are getting low on electrical supplies. This stuff would get us to where we had some supplies on hand

in case something were to happen. Mack made a motion to approve the quote for 1857.00 with a variance of 10% from Dutton Lansing. Starr seconded the motion.

Aye-Gerlach, Wilken, Starr, Mack, Piehl

Nay-None

Motion carried

Discussion approve/ disapprove personnel issues

Wilken reorder the agenda item putting personnel issues under number 7.

Discussion approve/disapprove past due utility payment guidelines

Wilken had Cadwell put this on the agenda because we need guideline. We have numerous people on the shut off list. We have no guidelines. Right now, the utility bills are sixty days past due before they even hit the disconnection notice. Bargaen said that there are series of statue of what you can and can not do. He said that he will need to look at that and see what the parameters are. Essentially, you are free to disconnect. There are some rules to that you need to follow. You have to give notice. Bargaen said this actually came up with another city. Is there a cold weather limitation? There is not on electrical, but is on gas. Elliott asked do you know what homes are electrical? Wilken said it doesn't matter. Bargaen said it is a requirement for gas providers, but not for electrical providers. He thinks that the board in another town took extra steps, making sure that people who were getting shut off in a very cold situation knew about it, where called about it, had noticed about, etc. Bargaen said but yes, you can take steps and essentially there is a notice provision. There is the ability to appeal before they get shut off. There is a series of statues that govern this. Wilken said that this Monday will be shut off day. The guys put tags on door and then we were going to disconnect Tuesday. If they are not paid by then they will be pulled. Wilken said that Cadwell had mentioned that for example a person owes \$600 and then they get another bill for \$300. The person then wants to come up and pay \$100.00 to keep their electricity on. He said that doesn't work. H said as a board we need to decide, is it up to the chairman or is it up to the clerk. Wilken said obviously if they are going to make a plan and follow through, but they need to come up with at least half of what the balance is. Starr said that sixty days is more than enough. Piehl said this is where this gets hard. She said that she knows that there are people in town that faithfully pay, regardless of they can't pay it all at once. She said that it is those people, she would have a hard time pulling their meter. They are trying. She said those people aren't getting too far behind and they are staying up with it. Now, if they were going to turn around and move out, would there two-hundred-and-fifty-dollar deposit cover it? Probably not, so that is where this becomes an issue. Wilken said that there are towns out there that say if you get shut off, now they want a \$1000.00 deposit to keep you from missing payments for a year. If you don't miss a payment than you will be refunded. Elliott said that is when you would move out of town. If you can't pay your bill, how are you supposed to come up with \$1000.00? Wilken said that is just what another town does and he wanted to point it out. Elliott said that doesn't even make sense. What else can you do because you don't have money to pay it? Wilken explained that there are people that are carrying over \$1000.00 on their bills. Elliott asked how much interest is charged on that bill? Cadwell said 10%. Elliott said you are getting \$100 of that person carrying that balance. Frank said that is if they pay. Wilken said he is not trying to shut people's power off, he is trying to come up with a plan. Piehl said that if they get their bill and don't pay it on time, they will need to come in and at least pay half of that. Then when the sixty days passes, they need to pay the other half or they will be subject to disconnection. Piehl explained that she feels every scenario is a little different. Judy Mack said she spoke to a friend that works in Seward County. There bills come out on the 1st and are due by the 15th. If they are not paid by the 17th they send a letter and if not paid by the 20th they are shut off. Wilken said by then they are 45 days past due so it makes sense. Wilken thought that is the way it was handled when he was on the board previously. J. Mack said that her friend said they have no trouble with it at all. Starr said that if people know they will handle it. Wilken said in the instance that someone comes and pays half and then pays the other half in two weeks they would be fine with that. Piehl said when that has happened previously, she would consult another board member so that they are aware of what is going on. There would be a note that was signed as well. She said that as long as board members know and are staying up on it, it should be fine. Cadwell said that she will come up with a template regarding payment arrangements and consult the board members. Bargaen said that he would email her the statues surrounding this issue. Mack said it really doesn't make sense to send them a notice after sixty days because then they are two months behind. Wilken said that this is something that needs to be decided on by the board. That is why it was on the

agenda. That way, Cadwell has something to go by. Piehl thinks that 45 days will be a good thing and she also thinks getting something in writing will be a good idea. She would like a letter to go out with the disconnect notices. Just so they are aware of the new policy and this is what we are doing moving forward. Piehl said we are not in the business of shutting electricity and water off to families, but there has to be some rules in place. Wilken suggested Piehl and Mack get together to discuss this and then the board will make a decision next meeting.

Wilken made a motion to table the utility payment guidelines for the next meeting so the electrical committee can come up with some guidelines. Gerlach seconded the motion.

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

Resolutions

Resolution 19-1 Depository and Bank Signer Authorization

Wilken made a motion to approve resolution 19-1. Piehl seconded the motion.

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

Authorization Resolution for Farmers Bank.

Wilken made a motion to approve corporate resolution required for Farmer's and Merchants Bank of Ashland. Gerlach seconded the motion.

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

Board Questions or Comments

Gerlach passed out revised permit forms. He said that he is trying to get this stuff cleaned up. He is looking for input. If there is something that needs to be changed, he would like to know. He said the biggest thing that has changed is when they sign their name on the bottom, it becomes a legal binding document. They are responsible for it. Wilken said that he thinks this will be good for when they disconnect utilities. That way if it is a rental property, there is a way to contact the landlord so they are aware and further damage is not done to their property. He said once everything is approved it will be put on the website in fillable forms and that way, they can email it to us right away. Gerlach said that if you notice it says architect stamped plans if available. He said he is tired of the napkin drawings and he knows a lot of other people are too. If it is not approved by an authorized representative, it doesn't get built. Engineering fees are as low as \$50.00 in some places.

Wilken said a company out of South Dakota wanted to know if we wanted our tower checked and cleaned. This company has scuba divers. Piehl asked Wilken if he knew when the last time it was done. Wilken thought around six years ago. They discussed the last time the water tower had been painted.

Lower Platte South he met with last Wednesday. He said if you noticed a orange cone by the water, that is a location where they are going to install a test well. There will actually be three test wells.

Discussion approve/ disapprove personnel issues

Wilken made a motion to go into closed session 8:58pm to protect against potential unnecessary harmed reputation subject matter being discussed personnel issues. Mack seconded the motion.

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

The purposed of closed session is to protect against potential unnecessary harm of reputation subject matter being personnel issues. The attorney, board members and clerk will be present for closed session.

The purpose subject matter being personnel.

Wilken made a motion to come out of closed session at 9:21pm. Gerlach seconded the motion.

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

Wilken made a motion for the personnel committee to take action on personnel issues. Mack seconded the issue.

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

Wilken asked what we should do for snow removal. They discussed communication that we are all on the same page.

Wilken made a motion to adjourn at 9:25pm. Starr seconded the motion.

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

Adjournment

