

Regular Meeting Minutes
April 2, 2024
Panther Activity Center (PAC)
630 Orchard Street Lodgepole, NE 69149

Notice of this meeting was given in advance by posting at the Village Office (PAC), Lodgepole Post Office, the Nancy Fawcett Memorial Library, the Village website, and published in the Sidney Sun-Telegraph.

Called to order by Chair Savely at 7 PM.

In attendance: Chair RJ Savely, Vice Chair Gwen Devie, Trustees Mark Bartling, Samuel Cheramie, Brenda Parsons, along with Jerry Ostdiek, Village attorney, Ethan Kraus, maintenance superintendent, Tanya Engel, clerk/treasurer.

Chair informed the public of the location of the posted Open Meetings Act and the Board's right to enter into closed session if deemed necessary for any item on the agenda per Section 84-1410 of the Nebraska Revised Statutes.

Chair opened the floor for community comments. Glenda Shellhorn questioned how the Village could consider a second maintenance person when the Village is having financial difficulties. She listed a number of nearby communities that only have one maintenance person and suggested contracting out park work. Dana Hill asked the board to not tear down the water tower and wondered if there would still be a maintenance cost if the water tower was capped off and not used as part of the water supply system. Sandra Runge expressed concern about the street between her house and the Velasco's. Said the gullies are a safety issue. Rita Bartling read a piece about what water towers mean to communities. She doesn't want the old tower torn down. She suggested capping it off, that it is part of hometown pride, but asked the Board to at least wait until after Old Settler's Day this year. Jennifer Valasco voiced her concern about the erosion of the road in front of her house. Mentioned that her car scrapes depending on how she enters her driveway. Is concerned about the water flow undercutting their driveway and damaging their garage. Feels it is a safety hazard and would like it fixed immediately. Susan Mitchell expressed concern about when the electrical work she requested in July would done.

Parsons moved to approve the agenda. Bartling seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

Mike Trbovich, Miller & Associates, provided an update on the plan for the water tank demolition. Miller and Associates are working on a design and specifications. NDEE will help expedite the process. Once the plan is approved, the Village will select a contractor. It does not need to be a bid process. The money for the demolition will come out of the grant money. Devie asked the audience if they would care to develop a committee to take over the maintenance of the tank. Devie suggested if such a group were to exist, research would need to be done regarding a contract with that group for maintenance, liability issues, and insurance needs. Trbovich said the grant money cannot be used for maintenance. The contract included painting Lodgepole on the new tank. Nothing can be done until Miller and Associates' demo plan is approved by the State. Clerk directed to investigate having name painted and when the last time the old tank's exterior was painted. Further action tabled until the May meeting.

Kacey Huff provided an update on the existing security system – 10 of 13 cameras are working, two at the west well house work but are not communicating with system, one camera on the old Village office is water-damaged and should be replaced. Huff will generate a second quote for adding cameras at the PAC and connecting them to the existing system. Board discussion: Savely said he asked Huff to stop working on the system until it could be discussed at a Board meeting due to a citizen complaint. Parsons asked who approved disconnecting the cameras from the current system. Savely said such a conversation has not been held. Parsons asked who would be in charge of the security system and cameras. Savely asked Huff if he would consider providing a maintenance contract. Parsons asked who will be responsible for making sure the cameras stay running. Huff agreed that could be part of a maintenance contract. Huff agreed to provide a maintenance contract quote. Devie moved to approve both of Huff's current bids. Cheramie seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

Discussion was held about **installing trail cameras at the green waste dump**. Board discussed adding cameras at the green waste dump that are part of the current security camera system as a future goal. Bartling moved to have Ethan Kraus install the cameras purchased from Amazon at the green waste dump. Cheramie seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

Jeff Parsons, Chair, Planning and Zoning commission, showed **multiple maps discovered by the Planning and Zoning commission** including a 2011 map of plats, an incomplete water map from 2012, an incomplete sewer map from 2011, a map of Village owned properties downloaded from Cheyenne County's website, various versions of the zoning map, and a map with incorrect municipality lines. He also said multiple drafts of comprehensive plans (dates unknown) were located by the last approved plan was from the 1970s. The Planning & Zoning Commission was directed to create a new zone map and to work with the Cheyenne County Assessor's office to create a map with the correct municipal boundaries. Planning and Zoning agreed to provide an update at the May 2024 Board meeting.

Brief discussion was held regarding the **sale of Village Lot #7 and Village Lot #8**. Clerk to notify proposed buyers of Lot #7 that they need to research the electrical easement on the property. Devie moved to approve Resolution 276. Parsons seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

RESOLUTION NO. 276. BE IT RESOLVED BY THE CHAIRPERSON AND VILLAGE BOARD OF THE VILLAGE OF LODGEPOLE, NEBRASKA, AS FOLLOWS:

WHEREAS, the Village owns a certain parcel of real estate described as follows:

- a) *Lot 8, Block 2, Emanuelsons Second Addition, Lodgepole, Cheyenne County, Nebraska;*
and

WHEREAS, it is in the best interest of the Village to sell this property; and

WHEREAS, the value of the property is less than \$5,000 and pursuant to Neb. Rev. Stat. § 17-503.01, property having a fair market value of less than \$5,000 may be sold by Resolution; and
THEREFORE, be it resolved by the Chairperson and Village Board as follows:

- 1. The sale of the property is in the best interest of the Village.*
- 2. The property shall be sold to Melissa Jeanne Lambrecht, in the amount of \$3,800.00.*
- 3. Following passage of the Resolution directing the sale of the property, Notice of the sale shall be posted in three prominent places within the Village for a period of not less than seven days prior to the sale of the property. Notice shall give a general description of the property offered for sale and state the terms and conditions of sale, which shall include the obligation of Buyer to develop the property within two years of date of purchase.*
- 4. Upon passage of this Resolution and expiration of the Notice provision, the parties shall enter into a purchase agreement and consummate the sale.*
- 5. Confirmation of the sale will be completed by passage of an ordinance after the Notice time has expired.*

This Resolution is adopted this 2nd day of April, 2024.

Devie moved to approve Resolution 277. Cheramie seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

RESOLUTION NO. 277. BE IT RESOLVED BY THE CHAIRPERSON AND VILLAGE BOARD OF THE VILLAGE OF LODGEPOLE, NEBRASKA, AS FOLLOWS:

WHEREAS, the Village owns a certain parcel of real estate described as follows:

- b) *Lot 7, Block 2, Emanuelsons Second Addition, Lodgepole, Cheyenne County, Nebraska;*
and

WHEREAS, it is in the best interest of the Village to sell this property; and

WHEREAS, the value of the property is less than \$5,000 and pursuant to Neb. Rev. Stat. § 17-503.01, property having a fair market value of less than \$5,000 may be sold by Resolution; and
THEREFORE, be it resolved by the Chairperson and Village Board as follows:

- 6. The sale of the property is in the best interest of the Village.*
- 7. The property shall be sold to Gentry Belle Dean-Carter, in the amount of \$3,800.00.*
- 8. Following passage of the Resolution directing the sale of the property, Notice of the sale shall be posted in three prominent places within the Village for a period of not less than seven days prior*

- to the sale of the property. Notice shall give a general description of the property offered for sale and state the terms and conditions of sale, which shall include the obligation of Buyer to develop the property within two years of date of purchase.
9. Upon passage of this Resolution and expiration of the Notice provision, the parties shall enter into a purchase agreement and consummate the sale.
 10. Confirmation of the sale will be completed by passage of an ordinance after the Notice time has expired.

This Resolution is adopted this 2nd day of April, 2024.

Devie is in communication with NDOT regarding **highway project** through Village. Devie asked for any changes from the Village's 2022 requests. Responses included safety landscaping on the north side of South Park and making sidewalks ADA compliant.

After discussion about bringing in **roll-offs** in for Village resident to use during clean up, the Board decided to not bring in roll-offs this spring as they are \$432/roll-off.

After discussion regarding **repairing the old trash truck**, the Board decided to not proceed with repairs at this time.

By consensus the Board decided to finish the **tour of Village properties** with a second special meeting set for April 29, 2024, 3:30 p.m., at the Fire Hall.

Bartling moved to approve **ordinance #271** (change Board meeting start time to 5:30 p.m.) Cheramie seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried. Bartling moved to suspend three readings. Parsons seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried. Bartling moved Ordinance #271 be finally passed. Cheramie seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried. Bartling moved Ordinance #271 be published. Parsons seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

Ordinance No. 271. AN ORDINANCE OF THE VILLAGE OF LODGEPOLE, NEBRASKA TO AMEND §1-510 TO CHANGE THE VILLAGE BOARD MEETING TIME; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE VILLAGE OF LODGEPOLE, AND THAT THE SECTIONS MAY BE RENUMBERED; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE AND THAT ORDINANCE SHALL TAKE EFFECT AFTER PASSAGE, PUBLICATION, POSTING, AND PROCLAMATION AS OTHERWISE PROVIDED. BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF LODGEPOLE, NEBRASKA.

Section 1. That Chapter 1, Article 1, §1-510, is hereby amended to read as follows:

§1-510. MEETINGS; GOVERNING BODY.

- (a) *The meetings of the Village Board shall be held in the meeting place of the Municipality. Regular meetings shall be held on the first (1st) Tuesday of each month at the hour of five thirty (5:30) o'clock p.m. Special meetings may be called by the Board Chairman, or by a majority of the Village Board, the object of which shall be submitted to the Village Board members in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. No other business shall be transacted at such meeting unless all members of the Village Board are present and consent thereto. On filing the call for a special meeting the Municipal Clerk shall notify the Village Board of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the Village Board who is known to be out of the state, or physically unable to be present.*

A majority of the members of the Village Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; Provided, that on the request of any two (2) members whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed

for the meeting the Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present the Village Board shall be called to order by the Board Chairman. In the absence of the Board Chairman from any meeting of the Board of Trustees, the Board shall have the power to appoint a chairman pro tempore, who shall exercise and have the powers and perform the same duties as the regular Village Chairman. (Ref. 17-204, 17-205, 17-210 RS Neb.) (Amended by Ord. No. 236, 6/3/19)

Section 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3: This Ordinance shall be effective after its passage, approval and publication according to law.

Devie moved to approve **ordinance #272** (change sewer rates). Parsons seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried. Devie moved to suspend three readings. Bartling seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried. Devie moved Ordinance #272 be finally passed. Parsons seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried. Devie moved Ordinance #272 be published. Cheramie seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

Ordinance No. 272. AN ORDINANCE OF THE VILLAGE OF LODGEPOLE, NEBRASKA TO ESTABLISH REVISED SEWER RATES FOR THE VILLAGE OF LODGEPOLE MUNICIPAL SEWER SYSTEM; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE VILLAGE OF LODGEPOLE, AND THAT THE SECTIONS MAY BE RENUMBERED; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE AND THAT THAT ORDINANCE SHALL TAKE EFFECT ON APRIL 1, 2024, AFTER PASSAGE, PUBLICATION, POSTING, AND PROCLAMATION AS OTHERWISE PROVIDED. BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF LODGEPOLE, NEBRASKA.

Section 1. That Chapter 3, Article 2, Section 215, subparagraph (2)(a) and (b) of the Code of the Village of Lodgepole is hereby amended to read as follows:

3-215. MUNICIPAL SEWER DEPARTMENT; FEES CHARGES AND COLLECTION.

(2) The total sewer charge shall consist of a customer charge as follows:

(a) Customer Charge: The customer charge for residential and commercial

Time period April 1, 2024 to April 30, 2025, \$33.50 per month service charge.

Time period May 1, 2025 to April 30, 2026, \$36.50 per month service charge.

Time period May 1, 2026 and beyond, \$40 per month service charge

For multiple dwelling units and for commercial users served jointly by a single meter, the charge shall be the current rate times the number of units served by such meter. For trailer courts or camps the charge shall be the current rate times the number of units deemed to be the capacity of the court. For hotels, motels and overnight recreational vehicle parks, the charge shall be the current rate, plus \$20 per rental unit in excess of the first unit.

(b) Sewer Use Charges for residential and commercial

1. Time period April 1, 2024 to April 30, 2025 rate shall be 2.20 per 1,000 gallons or fraction thereof usage.

Time period May 1, 2025 to April 30, 2026 rate shall be 2.35 per 1,000 gallons or fraction thereof usage.

Time period May 1, 2026 and beyond rate shall be 2.50 per 1,000 gallons or fraction thereof usage.

For residential and commercial customers, the monthly charge for twelve (12) months following May 1 of each year shall be based on the average water consumed during the preceding months of January, February, and March for that property.

Until consumptive history is properly established and for previously unoccupied residential, and commercial properties, the monthly charge shall be based on typical consumption of three thousand (3,000) gallons.

For commercial users and industries discharging only non-processed, domestic strength wastewater, the rates shall be those set forth above.

2. *The minimum charge per month is the Customer Charge and is in addition to the Sewer Use Charge.*

Section 3: These rates shall become effective April 1, 2024.

Section 4: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5: This Ordinance shall be effective after its passage, approval and publication according to law.

Clerk/Treasurer provided the second reading of **Ordinance #269**, the establishment of a recreational vehicle parks zone ordinance.

Clerk/Treasurer provided second reading of **ordinance #270**, an ordinance to amend and harmonize the Village code regarding Village Board organization.

Board discussed adding **check security cameras daily** to the maintenance superintendent's job description. Devie moved the Board enter **Executive Session** for the purposes of discussing the maintenance superintendent's job description and the hiring to fill the assistant village maintenance/utilities superintendent position. Parsons seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried. Executive Session entered at 9:05 p.m. The Board came out of Executive Session at 10:02 p.m.

The Chair announced **they would not be hiring** to fill the assistant village maintenance/utilities superintendent position at this time due to the Village's current financial position.

Ethan Kraus presented copies of the **maintenance report**. Parsons asked if Kraus has everything he needs to install the new electric-read water meters. Kraus said he does. Devie asked if the contract includes training on how to install. Kraus said installation simple and that the training is mostly for the computer side but would ask if the training includes installation guidance.

Tanya Engel presented copies of the **Clerk/Treasurer report**. Discussed that Villages, as per state statute, do not need to publish notice of meetings in newspapers—posting in three locations is sufficient. Will let other boards and commissions know about the correct language for their meeting notices. Engel described the discovery of tear gas pens in the office safe and that the pens were taken into custody by a Cheyenne County sheriff deputy for proper disposal. Engel shared a spreadsheet listing delinquent accounts and the notes on each account's status. Also shared was a copy of the municipal code outlining the notification process to delinquent accounts regarding the disconnect of their utilities. Engel stated that as per code, delinquent accounts need only to be mailed a disconnect notice—that it does not need to be sent via certified mail unless the account holder is a known welfare recipient. Engel stated no Village residents have identified themselves to the Clerk's office as a welfare recipient. Engel asked to Board to consider changing section 709 which requires certified letters also need to be sent to the Cheyenne County Office Department of Social Services. Engel researching if the Department of Health and Human Services even wants notification and if they do, how would they prefer that information be provided. Engel will let the Board know

what the status of the research is. Engel provided a spreadsheet of sales tax owed. Looking for Board approval to pay as funds approval and pay online. Engel also asked for Board permission to transfer money as it is available to NPAIT sewer and water accounts. Also provided the account balances for all the accounts. Claims were presented and ARPA funds spent on water meter discussed. Parsons clarified for the audience the loan payments due in September and December as well as the fact that the Village is behind on sales tax payments from May 2023 to current. And also discussed the Board's responsibility in navigating income and expenditures and balancing the wants with the must do items. Jennifer Valasco, resident, asked why the information about financial situation not included in the minutes and how would residents learn information if they don't come to the meeting. Susan Mitchell asked what the Board's responsibility was in regards publishing account balances. Asked if the minutes should include what was in each account and how that money is spent. Jerry Ostdiek stated that is not required to publish account balances in the minutes. He also indicated that the Village's financial state is not hidden information and had been openly discussed in prior meetings. Glenda Shellhorn also discussed why the minutes didn't have the financial statement information included. Kacey Huff asked if legal to livestream meeting. Jerry said legal to record. Clerk said okay to live stream and Board members can't vote if participating remotely. Susan Mitchell said she would watch livestream when she can't come to the meeting because minutes do not provide all the details. She also suggested the information be published in the newsletter. Board Chair Savely then directed the meeting back to the agenda.

Parsons moved to approve the **Consent Agenda** which included approving the March 5, 2024, meeting minutes and approving the claims. No items were extracted from the Consent Agenda. Cheramie seconded. Yes: Savely, Devie, Bartling, Cheramie, Parsons. No: none. Motion carried.

AFLAC, INSURANCE, 86.32; BLACK HILLS ENERGY, UTILITIES, 1,270.95; CHAPPELL LUMBER, BRUSH HEAD & HANDLE, 53.38; CITY OF SIDNEY, LANDFILL, 707.99; CLINE WILLIAMS, LEGAL SERVICES, 2,812.50; CREDIT MANAGEMENT SERVICES INC, CLAIMS, 652.53; DANA HILL, TRAINING & EXPENSE REIMBURSEMENT, 248.85; DEARBORN LIFE, FD LIFE INSURANCE, 158.24; DOUGLAS KELLY OSTDIEK ET AL, LEGAL SERVICES, 2,970.20; DUTTON-LAINSON COMPANY, 226 WATER METERS, 30,632.04; DUTTON-LAINSON COMPANY, 226 CABLES, 3,333.50; EFTPS, FEDERAL WITHHOLDING, 6,712.06; FRENCHMAN VALLEY COOP, FUEL, 638.12; GWORKS, SUBSCRIPTION, 106.26; HIGHLINE, PHONE/INTERNET, 428.87; HOMETOWN LEASING, PRINTER LEASE, 166.28; IDEAL LINEN & UNIFORM, RUGS, 330.98; NEBRASKA DEPT OF LABOR NETWORKS, LABOR & WAGE REPORT, 2.02; NEBRASKA DEPT OF REVENUE, INCOME TAX W/H, 1,200.12; NEBRASKA PUBLIC HEALTH, WATER SAMPLES, 15.00; NEBRASKA PUBLIC POWER, POWER & TRANSMISSION, 8,855.41; NEBRASKA STATE FIRE MARSHAL, ANNUAL REGISTRATION FEE, 120.00; ONE CALL CONCEPTS, INC, LOCATES, 2.36; PLEASANTVIEW CEMETERY, SALE OF PLOTS BRUNS, SOUCIE, 600.00; PREMIER AUTO PARTS, HEAT SHRINK TUBE, 17.99; SIDNEY SUN-TELEGRAPH, INC, LEGAL NOTICES/PROCEEDINGS, 69.20; SNELL SERVICES, PAC LABOR & MATERIALS, 1,215.00; TANYA ENGEL, EXPENSE REIMBURSEMENT TRAINING, 985.25; TODD'S WELDING, TWO UTILITY TRUCK TIRES, 522.90; UNION PACIFIC RAILROAD, 5 YEAR RENT, 150.00; VIAERO, WIFI TABLET, 192.20; WHEAT BELT PUBLIC POWER, WHEELING/POWER, 4,348.85; AMAZON, TRAIL CAMERAS, 186.46; USPS, POSTAGE, 84.06; HAMILTON BOOK, BOOKS, 45.15; HIGHLINE, PHONE/INTERNET, 911.56; PAYROLL 8,108.25; TOTAL, , 78,940.85.

Chair Comments: Savely stated he is not retired.

Board Member Comments: Devie asked employees to provide the Board with copies of certificates as they are received, asked the Clerk to put a copy of Kraus' driver's license in his personnel file, asked for a copy of the employee handbook with final corrections, asked the Board to review the list of key deadlines for when events need to happen in the Village and to be prepared to discuss at the May meeting, asked the Clerk to contact Bill Benson about the steps needed to implement the IRA for employees, and asked the Clerk to compile the information received and send the questionnaire back to TriHydro. Parson asked for the May agenda to include the Vacant Property Registration Act.

Next regular board meeting, Tuesday, May 7, 2024, at 5:30 PM at the PAC

Savely adjourned the meeting at 10:48 p.m.

Submitted April 10, 2024, by Tanya Engel, Clerk/Treasurer.

