

## **January 7, 2026 at 7:00 PM - Board of Trustees Meeting**

The Trustees of the Village of Malcolm met on Wednesday, January 7, 2026, at 7:00 p.m. in open session at the Village Hall located at 137 East 2<sup>nd</sup> Street, Malcolm, NE for such business as shall come before said Trustees. Notice of the meeting was in the "Clipper" and posted at the Village Hall, Malcolm Post office, Malcolm Fire Department, and on the Malcolm Website on Tuesday January 6, 2026.

### **CALL TO ORDER AND ROLL CALL**

Nick Benes: Present, Mike Faubion: Present, Jerad Little: Present, Jack Tarr: Present. Jason Lemkau: Present

### **OPEN MEETINGS ACT REQUIREMENT**

OPEN MEETINGS ACT is posted and located on the east wall of the Village Hall.

### **CONSENT AGENDA**

Jerad Little made a motion to approve the Consent Agenda as presented, which includes the minutes from December 3, 2025 and December 22, 2025, claims, and the Treasurer's Report showing checks of \$101760.85 and deposits of \$56315.74. Jason Lemkau seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

### **VISITOR PERIOD**

Jerad Little made a motion to allow the Board to consider items out of the order listed on the agenda. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

### **VILLAGE MAINTENANCE REPORT**

Nick Benes made a motion to approve the bid submitted by Star City for the installation of a new heater at Well 3 in the amount of \$2,702.00, contingent upon Jason Lemkau determining whether a heater can be obtained at a lower cost. Should a lower-cost heater be acquired, the Village will contract with an electrician to complete the installation. Jerad Little seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*

- Nick Benes: *Yea*
- Mike Faubion: *Yea*

## **BUSINESS**

### **Burton Asphalt, LLC**

James Burton of Burdon Asphalt, LLC presented the Board with a bid for the application of three inches of millings to designated gravel roadways. He indicated the work could begin as early as March or April. The Board accepted the information and will take the bid under advisement for future consideration.

### **Review and Approval of Construction Agreement for New Malcolm Fire Department Building and Water Lines**

Jerad Little made a motion to approve the Subdivision Improvement Agreement related to the new Malcolm Fire Department water main, as amended during the meeting. Nick Benes seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Following further discussion, the Board determined that the water main project will be constructed through the Village. The Malcolm Fire Department reimbursing the Village for its portion of the project costs. Kathy Christensen requested that the Village of Malcolm conduct a sewer survey due to the age of the sewer lines, the number of required repairs, and potential future expansion.

### **Adjustment of boundary line between Lots 9 and 10, Block 3, Village of Malcolm**

The Village Counsel advised the Board that the boundary line adjustment between Lots 9 and 10, Block 3, has been completed. However, due to the paperwork not yet being received, the Board will table the agenda item until the next meeting.

### **Ordinance 2026-01 - Revision of Skilled Gaming**

Jerad Little made a motion to waive the 3 reading on Ordinance 2026-01 to repeal section 10-503 which imposed an occupation tax on mechanical amusement devices and games of skill with betting capabilities; to add section 10-207 to regulate and require permitting of mechanical amusement devices and games of skill with betting capabilities; to update the master fee schedule; to repeal conflicting ordinances; to provide for publication; and to provide an effective date. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Jerad Little made a motion to approve Ordinance 2026-01 to repeal section 10-503 which imposed an occupation tax on mechanical amusement devices and games of skill with betting capabilities; to add section 10-207 to regulate and require permitting of mechanical amusement devices and games of skill with betting capabilities; to update the master fee schedule; to repeal conflicting ordinances; to provide for publication; and to provide and effective date. Nick Benes seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

#### **Keno - Contracts, Applications, Keno Bank Accounts, Updates**

Jerad Little made a motion to approve the KENO agreement between the Village of Malcolm and Four Sons. Jack Tarr seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Jerad Little made a motion to approve to appoint Four Sons as KENO operator for the Clipper's Bar and Grill, Clipper's Bar and Grill to house Keno, creation of requisite bank accounts, transfer of necessary funds to those accounts, the KENO Operator contract between the Village and Four Sons, all application forms and perform any other actions deemed reasonably necessary to open KENO operations in the Village of Malcolm. Jason Lemkau seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

The Board conducted a review of the Four Sons KENO Agreement and all associated applications and banking documentation pertaining to the operation of KENO at Clippers Bar and Grill.

#### **Annexation - Daake/Klauz**

The Board provided an overview to the affected homeowners regarding the reasons for considering annexation extending to the baseball complex. Village counsel stated that the Village is not required to extend utilities to annexation boundaries but is required to provide utilities to all properties within the village limits.

## **Consideration of Annexation or Removal of Ballfield Improvements within the County ROW**

Jerad Little made a motion to approve Miller and Associates to conduct an annexation study from the current corporate limits to the end of the baseball complex property, including a 100-foot strip of land running north to south along the west side of NW 105th Street, the Village of Malcolm Sewer Plant, the Ballfield Complex, and the corner of NW 105th Street and W. McKelvie Road, as depicted in Exhibit "A" presented by Reed Miller. The annexation study shall not include any property surveys. Jack Tarr seconded the motion.

Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Nay*
- Nick Benes: *Nay*
- Mike Faubion: *Yea*

Reed Miller of Miller and Associates presented two example scenarios for a potential annexation along NW 105th Street. Following discussion, the Board expressed a preference for Example A. It was noted that if the annexation is involuntary, an annexation study would be required, and that property surveys would be necessary for all affected properties regardless of whether the annexation is voluntary or involuntary. The cost of the annexation will depend on the scope and depth of the required studies and reports. Village Counsel will contact the County to determine whether there are any costs or obligations associated with the grant used for construction of the bridge on NW 105th Street that would be impacted by annexation.

## **Ballfield Agreement**

Jerad Little made a motion to approve the revised Ballfield agreement for the 2026 season. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Jeff Daake, representing MYSA, was present and expressed agreement with proceeding with the new ballfield agreement for the 2026 season. Malcolm Public Schools did not provide a response regarding the agreement.

## **Water Main Loan and Bid Packet**

Jerad Little made a motion to authorize moving forward with, and to submit, the Rural Water Revolving Loan Fund Application for the purpose of installing new water lines. Jason Lemkau seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*

- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

After further discussion, the Board agreed that the loan application for the water main installation will include the route extending from the corner of Education Drive and Elk Creek north to W. Bluff Road, west to NW 112th Street, south to Education Drive, and along Malcolm Road adjacent to the front of the Methodist Church property.

### **Civil Defense Report**

Densberger submitted his annual Civil Defense report for the board to review.

### **Resolution 2026-01 - 110 Lincoln Street - Curb Stop Work Lien**

Jerad Little made a motion to approve Resolution 2026-01 a resolution to lien at 110 Lincoln Street for provision of public services. Nick Benes seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

### **400 Elk Creek Road Water Meter Replacement**

After further discussion regarding concerns about the current water meter not functioning properly, the Board agreed that if the water meter is not replaced by January 13, 2026, water service to the property will be discontinued and will not be restored until the meter is replaced. All costs associated with the replacement of the water meter, the audio read box, and the restoration of water service will be the responsibility of the homeowner after this date.

### **Personnel Discussion – Possible Closed Session per §84-1410 to Protect Public Interest and Individual Reputation**

Jerad Little made a motion to enter closed session at 9:53pm for Personnel Discussion - Possible Closed Session per §84-1410 to Protect Public Interest and Individual Reputation. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Jack Tarr made a motion to approve a personnel transition with Logan Petersen. The Board acknowledged his service to the Village. Nick Benes seconded the motion. Motion Carried

- Jerad Little: *Abstain (With Conflict)*
- Jack Tarr: *Yea*

- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Abstain (With Conflict)*

The Board concluded closed session and reconvened into open session at 10:30 p.m.

### **ATTORNEY'S REPORT**

A report was submitted and received by the Board.

### **VILLAGE CLERK REPORT**

Jerad Little made a motion to approve payment of the invoice from Solheim Law Firm for legal fees for December 2025. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

A report was submitted and received by the Board. Malcolm Clean Up Day is scheduled for May 2, 2026. May's Board meeting has been rescheduled for May 5, 2026.

### **TABLED ITEMS**

### **DATE OF NEXT MEETING(S), FUTURE AGENDA ITEMS**

Planning Commission: January 28, 2025

Village Board: February 4, 2026

### **ANNOUNCEMENTS AND/OR ADJOURN**

Jerad Little made a motion to move to adjourn at 11:10 pm. Nick Benes seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

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April Faubion, Village Clerk

## Village of Malcolm, Nebraska

## Checks

December 2025

Type	Date	Num	Name	Memo	Amount
Dec 25					
Liability Check	12/04/2025		QuickBooks Payroll Service	Created by Payroll Service on 1...	-4,559.36
Liability Check	12/11/2025		QuickBooks Payroll Service	Created by Payroll Service on 1...	-2,548.60
Liability Check	12/18/2025		QuickBooks Payroll Service	Created by Payroll Service on 1...	-2,095.14
Liability Check	12/24/2025		QuickBooks Payroll Service	Created by Payroll Service on 1...	-2,502.77
Liability Check	12/31/2025		QuickBooks Payroll Service	Created by Payroll Service on 1...	-4,564.95
Check	12/31/2025			Service Charge	-13.43
Liability Check	12/08/2025	online	Cornhusker Bank	47-0537030	-4,047.24
Liability Check	12/08/2025	online	Nebraska Department of Revenue	000298972	-548.05
Check	12/31/2025	online	NextBillPay	paperless billing	-4.40
Check	12/15/2025	online	Cornhusker Bank	Returned Checks	-68.89
Check	12/15/2025	online	Cornhusker Bank	Returned Checks	-69.68
Check	12/15/2025	online	Cornhusker Bank	Return Check for Powells	-70.74
Check	12/15/2025	online	Cornhusker Bank	Returned Check from Powells	-70.78
Check	12/15/2025	online	Cornhusker Bank	Returned Check from Powells	-72.26
Check	12/15/2025	online	Cornhusker Bank	Returned Check from Powells	-116.05
Check	12/15/2025	online	Cornhusker Bank	Returned Check from Powells	-116.42
Check	12/15/2025	online	Cornhusker Bank	Returned Check from Powells	-139.94
Check	12/10/2025	wire t...	The Depository Trust Company	Highway Allocation - principal p...	-30,000.00
Check	12/10/2025	wire t...	The Depository Trust Company	Highway Allocationand Street A...	-3,150.00
Check	12/10/2025	wire t...	Cornhusker Bank	Highway Allocation - principal p...	-25.00
Check	12/10/2025	wire t...	Cornhusker Bank	Highway Allocation/Street Bond...	-25.00
Paycheck	12/05/2025	DD11...	Faubion, April	Direct Deposit	0.00
Paycheck	12/05/2025	DD11...	Little, Jaydin L	Direct Deposit	0.00
Paycheck	12/05/2025	DD11...	Petersen, Logan R	Direct Deposit	0.00
Paycheck	12/05/2025	DD11...	Regnier, Wayne L	Direct Deposit	0.00
Paycheck	12/12/2025	DD11...	Faubion, April	Direct Deposit	0.00
Paycheck	12/12/2025	DD11...	Little, Jaydin L	Direct Deposit	0.00
Paycheck	12/12/2025	DD11...	Petersen, Logan R	Direct Deposit	0.00
Paycheck	12/19/2025	DD11...	Faubion, April	Direct Deposit	0.00
Paycheck	12/19/2025	DD11...	Little, Jaydin L	Direct Deposit	0.00
Paycheck	12/19/2025	DD11...	Petersen, Logan R	Direct Deposit	0.00
Paycheck	12/26/2025	DD11...	Faubion, April	Direct Deposit	0.00
Paycheck	12/26/2025	DD11...	Little, Jaydin L	Direct Deposit	0.00
Paycheck	12/26/2025	DD11...	Petersen, Logan R	Direct Deposit	0.00
Check	12/31/2025	1415	Nadine Link	Reimbursement - Christmas lig...	-133.96
Check	12/02/2025	15275	Solheim Law Firm	Legal Fees 2025	-1,200.00
Check	12/11/2025	15276	Windstream	Account #090491164	-229.10
Check	12/11/2025	15277	Norris Public Power	8 accounts	-2,662.44
Check	12/11/2025	15278	Elan Financial Services	Acct. #4798-1731-3100-1979	-839.07
Check	12/30/2025	15279	Menards	Acct. #31120421 - inv 35800, ...	-126.04
Check	12/30/2025	15280	HBE LLP	Inv. #232542	-10,305.00
Check	12/30/2025	15281	One Call Concepts, Inc.	Inv. 5110914 One call tickets	-9.41
Check	12/30/2025	15282	Taylor's Drain & Sewer Service, I...	Inv. #90911 Jetting	-7,938.00
Check	12/30/2025	15283	Midwest Laboratories	Acct. #14382 Monthly Effluent	-225.18
Check	12/30/2025	15284	Lemkau Construction	Tree Clean Up after August Sto...	-8,000.00
Check	12/30/2025	15285	Sparq Data	Sparq Meeting Subscription 4/1...	-4,250.00
Check	12/30/2025	15286	Matt Bratrsovsky		-245.00
Check	12/30/2025	15287	Miller & Assoc. Consulting Eng., ...	Inv. #25-1366	-3,139.40
Check	12/30/2025	15288	NE Public Health Environmental L...	Acct. #597674- Inv 598447	-49.25
Check	12/30/2025	15289	Nebraska Equipment Inc.	Invoice II66671, II66744	-656.74
Check	12/30/2025	15290	Lincoln Winwater Works	Inv. #1117010-01	-580.00
Check	12/30/2025	15291	Malcolm General Store	Ice for sewer samples	-23.93
Check	12/30/2025	15292	Paragon Sanitation, Inc.	Acct. #10521 Nov and Dec adj...	-132.00
Check	12/30/2025	15293	Farmers Cooperative	Acct. #24362 - Fuel	-4,001.30
Check	12/30/2025	15294	Regnier, Wayne L	Cell Phone Reimbursement	-50.00
Check	12/30/2025	15295	Little, Jaydin L	Cell Phone Reimbursement	-50.00
Check	12/30/2025	15296	Petersen, Logan R	Cellphone Reimbursement	-53.35
Check	12/30/2025	15297	Faubion, April	cell phone reimbursement and ...	-66.80
Check	12/30/2025	15298	Village of Malcolm - 567-877	Transfer to cover sewer Bond, ...	-10,219.59
Check	12/30/2025	15298	Village of Malcolm - 567-877	Transfer monthly monies to pay...	3,579.42
Check	12/30/2025	15298	Village of Malcolm - 567-877	Street Loan resurfacing from n...	3,771.25
Check	12/30/2025	15298	Village of Malcolm - 567-877	To Cover Yearly Contract Price...	2,868.92
Check	12/30/2025	15299	First Interstate Bank	TIF Payment - Lippy's	-1,859.68
Check	12/30/2025	15300	Nadine Link	Monthly consultant payment	-126.50

Dec 25

**-101,760.85**

## Village of Malcolm, Nebraska

## Deposits

December 2025

Date	Name	Account	Split	Amount
<b>DEBT SERVICE</b>				
12/17/2025	3130 · Property Taxes	1035 · Investment Fund 567-877		178.75
12/31/2025	3305 · Interest on Investments	1035 · Investment Fund 567-877		60.85
12/31/2025	3305 · Interest on Investments	1031 · REPO Savings Acct - 9000567877		1,062.09
<b>Total DEBT SERVICE</b>				1,301.69
<b>General</b>				
12/02/2025	3205 · PP Lease Rebate	1010 · Money Market Fund 435-833		8,187.93
12/02/2025	3212 · Dog Licensing	1015 · General Fund Checking 1002-201		12.00
12/02/2025	3210 · Licenses/Permits/Fees	1015 · General Fund Checking 1002-201		50.00
12/08/2025	3300 · Miscellaneous Income	1015 · General Fund Checking 1002-201		4,000.00
12/17/2025	3130 · Property Taxes	1015 · General Fund Checking 1002-201		415.40
12/17/2025	3131 · Motor Vehicle Tax Income	1015 · General Fund Checking 1002-201		1,305.75
12/17/2025	3210 · Licenses/Permits/Fees	1015 · General Fund Checking 1002-201		55.85
12/17/2025	3300 · Miscellaneous Income	1015 · General Fund Checking 1002-201		450.00
12/18/2025	3136 · Sales Tax	1015 · General Fund Checking 1002-201		3,437.34
12/19/2025	3300 · Miscellaneous Income	1015 · General Fund Checking 1002-201		3,895.83
12/31/2025	3305 · Interest on Investments	1045 · Playground Equipment 1027358		9.79
12/31/2025	3305 · Interest on Investments	1010 · Money Market Fund 435-833		67.25
12/31/2025	3305 · Interest on Investments	1012 · CB REPO #9000435833 MM		496.51
12/31/2025	3305 · Interest on Investments	1048 · TIF Checking Account		0.18
12/31/2025	3305 · Interest on Investments	1021 · UB STFIT Account		827.44
12/31/2025	3305 · Interest on Investments	1017 · REPO Savings Acct 9001002-201		202.29
12/31/2025	3116 · Muni. Equalization	1015 · General Fund Checking 1002-201		172.31
<b>Total General</b>				23,585.87
<b>Sewer</b>				
12/02/2025	3400 · Sales	1015 · General Fund Checking 1002-201		888.87
12/02/2025	3415 · Late Fees	1015 · General Fund Checking 1002-201		12.50
12/08/2025	3400 · Sales	1015 · General Fund Checking 1002-201		998.79
12/11/2025	3400 · Sales	1015 · General Fund Checking 1002-201		1,044.24
12/17/2025	3400 · Sales	1015 · General Fund Checking 1002-201		1,044.24
12/17/2025	3400 · Sales	1015 · General Fund Checking 1002-201		54.96
12/17/2025	3415 · Late Fees	1015 · General Fund Checking 1002-201		12.50
12/19/2025	3400 · Sales	1015 · General Fund Checking 1002-201		384.72
12/23/2025	3400 · Sales	1015 · General Fund Checking 1002-201		934.32
12/31/2025	3400 · Sales	1015 · General Fund Checking 1002-201		5,166.24
12/31/2025	3415 · Late Fees	1015 · General Fund Checking 1002-201		87.50
<b>Total Sewer</b>				10,628.88
<b>Street</b>				
12/08/2025	3135 · Street Allocation Income	1015 · General Fund Checking 1002-201		5,178.37
12/18/2025	3136 · Sales Tax	1015 · General Fund Checking 1002-201		880.67
<b>Total Street</b>				6,059.04
<b>Water</b>				
12/02/2025	3400 · Sales	1015 · General Fund Checking 1002-201		620.45
12/02/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		48.00
12/02/2025	3415 · Late Fees	1015 · General Fund Checking 1002-201		12.50
12/08/2025	3400 · Sales	1015 · General Fund Checking 1002-201		481.21
12/08/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		57.00
12/11/2025	3400 · Sales	1015 · General Fund Checking 1002-201		548.25
12/11/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		57.00
12/17/2025	3400 · Sales	1015 · General Fund Checking 1002-201		646.45
12/17/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		57.00
12/17/2025	3400 · Sales	1015 · General Fund Checking 1002-201		217.04
12/17/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		3.00
12/17/2025	3415 · Late Fees	1015 · General Fund Checking 1002-201		12.50
12/19/2025	3400 · Sales	1015 · General Fund Checking 1002-201		6,135.54
12/19/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		21.00
12/23/2025	3400 · Sales	1015 · General Fund Checking 1002-201		616.38
12/23/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		51.00
12/23/2025	3300 · Miscellaneous Income	1015 · General Fund Checking 1002-201		1,694.96
12/23/2025	3405 · Hookup Fees	1015 · General Fund Checking 1002-201		75.00
12/31/2025	3305 · Interest on Investments	1024 UB #8715 Water Surcharge Acct		27.47
12/31/2025	3400 · Sales	1015 · General Fund Checking 1002-201		2,989.01
12/31/2025	3410 · Water Surcharge Income	1015 · General Fund Checking 1002-201		282.00
12/31/2025	3415 · Late Fees	1015 · General Fund Checking 1002-201		87.50
<b>Total Water</b>				14,740.26
<b>TOTAL</b>				<b>56,315.74</b>