

July 12, 2023

The Trustees of the Village of Malcolm met on Wednesday, July 12, 2023, 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 June 2023 "Clipper" and posted at the Village Hall and on the Malcolm Website on Monday, July 10, 2023.

**ROLL CALL**

Little, Tarr, Faubion, Lemkau

Absent: Schweitzer

OPEN MEETINGS LAW is posted and located on the wall as you enter the Village Hall.

VISITORS PRESENT: Melanie Swanson, Don Schrader, Jon Mohr, Tad Hardin

APPROVAL OF MINUTES: Tarr made a motion to accept the minutes of the June 7, 2023, meeting, seconded by Faubion. The Chairperson called for the vote recorded as follows: AYE: Tarr, Faubion, Lemkau; NAY: None; Motion carried 3-0; Members absent: Schweitzer; Abstain – Little.

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the June 13, 2023, meeting, seconded by Lemkau. The Chairperson called for the vote recorded as follows: AYE: Little Faubion, Lemkau; NAY: None; Motion carried 3-0; Members absent: Schweitzer; Abstain –Tarr.

TREASURER REPORT – Little made a motion to accept the treasurer's report for the month of June 2023, with disbursements of \$63,847.89 and deposits of \$95,197.89. Motion seconded by Faubion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

Ryan Bauman with Southeast Nebraska Development District (SENDD) was present to discuss the procedure to approve projects that have been approved for the Owner-Occupied Housing rehabilitation Program.

Tarr made a motion to appoint a Housing Committee made up of Jerad Little, Matt Bratrovsky and Nadine Link to preview the SENDD contracts. Lemkau seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

BACKGROUND: SENDD – Owner Occupied Housing Project review: After further discussion and review of the final paperwork, Little made a motion to approve the first contract for home improvements with for the Owner Occupied Housing Rehabilitation program through SENDD. Faubion seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

MAINTENANCE REPORT: A report was submitted and received by the Board.

Little made a motion to move forward with the purchasing of a new snow blade and mount for the new dump truck, with Don checking to see if the old wiring harass can work on the new truck. Tarr seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer

The Board authorized David Solheim to draft a Resolution to sell the old Village Dump Truck and have it at the next meeting.

The Board advised Don to get quotes for replacing valves.

ATTORNEY'S REPORT: A report was submitted and received by the Board.

CLERK REPORT: A report was submitted and received by the Board.

Schweitzer arrived at 7:50 p.m.

PUBLIC HEARING – Ag/Residential Zoning; Little made a motion to open the Public Hearing at 8:00 p.m. for the Ag/Residential Zoning, Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NYE: None; Motion carried 5-0; Members absent: None.

The Board reviewed Recommendation 422 from the Malcolm Planning Commission. Jon Mohr, Chairman of the Planning Commission was present to discuss with the Board the Commission's suggestions that the driveway approaches shall be asphalt or concrete and to extend 25 feet from edge of roadway or 2 feet past culvert. Further discussion continued with Tad Hardin who was also present for the hearing.

Little made a motion to close the Public Hearing at 8:08 p.m. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NYE: None; Motion carried 5-0; Members absent: None.

Village Clerk's report continued.

BACKGROUND: Employee's Handbook – Will be tabled until the next meeting.

BACKGROUND: Review Water Meter bids – Will be tabled until the September meeting – waiting on the outcome of the grant request.

BACKGROUND: Ordinance 2023-02 – Ag/Residential Zoning: Little made a motion to amend the recommendation from the planning commission to say driveways with no culvert need a minimum of 25 off the edge of road approach; if a culvert is required that the approach would then run 10 foot past the center line of culvert off edge of roadway. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: Schweitzer; Motion carried 4-1; Members absent: none.

Mr. Hardin was told that a drainage study from his engineer would be required if he continues with his project.

Little made a motion to suspend the three-reading rule for Ordinance 2023-02. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5-0.

Little made a motion to approve Ordinance 2023-02 with the above-mentioned changes. Following the reading of Ordinance 2023-02, Faubion seconded the motion. The Chairperson called for a roll call vote recorded as follows: AYE: Schweitzer, Lemkau, Tarr, Faubion, Little; NAY: None; Motion carried 5-0; Members absent: none.

BACKGROUND: Building Permit – Brian Blair; Oats and Rye grass were planted on the lot. A building permit will be submitted around September or October for a building to be built on the lot.

BACKGROUND: Conditional Use Permit Application – Philip Bargaen – Complete Auto Repair: Mr. Bargaen did answer the questions from the June 8, 2023, letter that was sent by the attorney before the Use Permit was fully approved. However, now vehicles are being parked on the east side of the building. Per the Use permit submitted, it was stated that there would be no outside parking. Letters will be sent by the Village attorney to Mr. Bargaen and Mr. Hadi to remove the vehicles within two days of receiving the letter, to prevent the Use Permit from being suspended. Letters will be delivered by the Lancaster County Sheriff's Department.

BACKGROUND: Ordinance 2023-03 – Set Penalty Fee's. This item will be tabled until the August meeting to make changes to the Ordinances.

BACKGROUND: Town/Dump Trucks Replaced/Sold: Attorney will draft a Resolution for the August meeting declaring the dump truck as surplus and authorizing its sale.

BACKGROUND: Welcome to Malcolm Sign; will be tabled until the September Meeting.

BACKGROUND: Ordinance 2023-04 – Compensation for Village Employees, Officials and Board Members; This item will be tabled until the August meeting to make changes to the Ordinance.

BACKGROUND: Audit waiver prices: HBE advised the Board that the price for the 2023 Audit will be between \$15,500 and \$17,500 this year.

BACKGROUND: MYSA bill for stairs at ball field: the bill was sent from the school for the replacement of the stairs going up to the crow's nest at the old ball field which was a shop class project. The Village Board will be paying the whole bill to have the steps replaced. The Clerk will notify MYSA and the School to let them know they owe nothing for this project.

BACKGROUND: Resolution 2023-04 – LARM Renewal: Little made a motion to approve Resolution 2023-04 to renew LARM Insurance for the Village of Malcolm insurance for 2023-2024. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0; Members absent: none.

BACKGROUND: Possible updating our website provider for the Village: After further discussion of the different websites, Little made a motion to go with Rural Water Impact/Municipal Impact for the new website for the Village of Malcolm. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0; Members absent: None.

Mike Faubion will touch base with Rural Water Impact/Municipal Impact and get things started.

BACKGROUND: Building Permit – ROW for Underground fiber optic facilities for future broadband connections – JEO Consulting submitted a building permit for Bauer Underground to install fiber optic facilities for future broadband connections around Malcolm. After further discussion, Little made a motion to approve the building permit for underground fiber optic, Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0; Members absent: None.

BACKGROUND: Budget Ideas: Discussed ideas and thoughts for the 2023-2024 budget.

BACKGROUND: Building Permit – Cindy Polage – swimming pool/fence: After further discussion and review of the building permit, Little made a motion to approve the building permit for a swimming pool at 511 Education Drive contingent that the pool is not filled until a fence is secured around the pool. Schweitzer seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0; Members absent: None.

Recommendation 422 – Agriculture/Residential Zoning District Code with recommended changes: this item was discussed and reviewed earlier in the meeting.

Recommendation 423 – Building Permit for Jordan Kershner at 10875 NW 121<sup>st</sup> Street – adding plumbing to existing building: after review of the planning commission recommendations, building permit fee and plans, Little made a motion to approve the building permit for plumbing to the existing building at 10875 NW 121<sup>st</sup> Street Place. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0; Members absent: None.

Little made a motion to enter Executive Session to discuss employee issues at 10:05 p.m. Schweitzer seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0; Members absent:

The Board exited Executive Session and resumed the open session meeting at 10:19 p.m. stating that no action was taken during closed session.

With no further business to discuss, Little moved to adjourn at 10:26 p.m. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NYE: None; Motion carried 5-0; Members absent: None

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Nadine Link, Village Clerk