

September 6, 2023

The Trustees of the Village of Malcolm met on Wednesday, September 6, 2023, at 7:02 p.m. in open session at the Village Hall located at 137 East 2nd Street, Malcolm, NE for such business as shall come before said Trustees. Notice of the meeting was in the August 2023 "Clipper" and posted at the Village Hall and on the Malcolm Website on Monday, September 4, 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: Chuck & Sherry Talbitzer, Mike Beach

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the August 2nd, 2023, meeting, seconded by Faubion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0. Members absent: Schweitzer.

TREASURER REPORT – Little made a motion to accept the treasurer's report for the month of August 2023, with disbursements of \$50,994.65 and deposits of \$93,562.38. Motion seconded by Tarr. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

Little made a motion to accept Jeff Schweitzer's resignation from the Board due to moving outside of the Village Corporate Limits. 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: None.

Mike Beach was present to answer any questions regarding the building permit and plans submitted for a new residential home for Brian and Alison Blair. Blair's would also like to ask for a variance for the sidewalk, since there are no sidewalks in that area, and a variance for the 1/3 stone on the home that is required by the covenants.

After further discussion, the Village Attorney recommended that Mr. & Mrs. Blair review with their attorney, to make sure they are squared away on the protective covenants for that area. With the variances for the sidewalk and 1/3 stone, board requested that when approaching the neighbors for their signatures, have a picture of the building to see their reactions to the building being built on that lot. Once the Village Inspector approves the plans and the variances are reviewed by the Board, the Board per Malcolm Municipal Codes should be able to approve the building application and plans.

Chuck and Sherry Talbitzer were present to express their concerns about the building not being a residential home but an outbuilding which belongs on acreages, and if it will affect his property value when and/or if Mr. Talbitzer tries to sell his home.

VILLAGE MAINTENANCE REPORT: Nothing to report this month.

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

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

BACKGROUND: Employee's Handbook: The Board gave the Village Attorney the recommended changes for the revised Handbook. The attorney will have a finalized copy at the October meeting.

BACKGROUND: Ordinance 2023-03 – Set Penalty Fee's – will be tabled until next month, the Planning Commission meeting was cancelled due to not having a quorum.

Little made a motion to suspend the three-reading rule for Ordinance 2023-04. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0.

BACKGROUND: Ordinance 2023-04 – Compensation for Village Employees; Official and Board Members. Following the reading of 2023-04, Little made a motion to approve Ordinance 2023-04, Faubion seconded the motion. The Chairperson called for a roll call vote recorded as follows: AYE: Lemkau, Tarr, Faubion, Little; NAY: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Interlocal Agreement between the City of Lincoln/Lancaster County Health Department and Village of Malcolm: This item will be tabled until the Board receives the revised interlocal with the changes the Board made at the August meeting and the Village Attorney has time to review the document.

BACKGROUND: Appointment of new Board Member: After further discussion, Little nominated Nick Benes as the new Board member, replacing Jeff Schweitzer who has moved outside of the Village Corporate Limits. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Selling of the dump truck – bid opening: Josh Shoemaker with Select Plumbing submitted a bid of \$3,800.00 for the dump truck, no other bids were received. After further discussion, Lemkau made a motion to advertise the truck on Facebook for \$5,000.00 or best offer for another month. Little seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NYE: None; Motion carried 4-0; Members absent: None

BACKGROUND: Resolution 2023-06 - Annual Certification of Program Compliance – Highway Allocation funds: Little made a motion to approve Resolution 2023-06, a Resolution signing the Municipal Annual Certification of Program Compliance 2023 for the Highway Allocation funds. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Resolution 2023-07 – To Exceed the Budget Limit for Restricted Funds by 1%: Little made a motion to approve Resolution 2023-07 to exceed the budget limit for restricted funds for the 2023-2024 fiscal year by an additional 1%. 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: None.

BACKGROUND: Lease Agreement between the Village of Malcolm and City of Lincoln on behalf of Aging Partners: After further review of the Lease Agreement by the Village Board and Village Attorney, Little made a motion to approve the Lease Agreement between the Village of Malcolm and the City of Lincoln on behalf of Aging Partners. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

Little made a motion to suspend the three-reading rule for Ordinance 2023-06. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0.

BACKGROUND: Ordinance 2023-06 – Revised the Chicken Code 6-303 and added section 6-210: Following further review, Little made a motion to approve Ordinance 2023-06, Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Sargent Well and Pump Tests results: A copy of the results of the well and pump test on the three Village Wells were reviewed by the Board.

BACKGROUND: Building Permit – Brian and Alison Blair for new single-family residents at 361 Hudkins Road. This item will be tabled until the October meeting.

BACKGROUND: Building Permit – Craig Vanderkolk – new single-family residence at 10000 W. Bluff Road: Following further review of the building permit application and plans, Little made a motion to approve the building permit for a new residential home on his existing property at 10000 West Buff Road, knowing that he cannot divide the 17 acre property or sell either home separately, this parcel must be sold as one parcel with two houses. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Building Permit – Mike & Penny Placke – Outbuilding at 9830 NW 126: After further review of the building permit application and plans, Little made a motion to approve the plans for an outbuilding at 9830 NW 126th Street. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Building Permit – Travis Tonkinson – Pellet Stove: After further review of the building permit application and plans, Little made a motion to approve the plans for a pellet stove to be installed in the basement of his home at 9230 NW 112th Street. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Well 1 – Lifting and Stabilization project completed for \$17,194.00. The stabilization project was completed at well 1. Payment was approved on August 3, 2022, to use ARPA money, payment will be sent to ERDBAU after October 1, 2023, so that it will be in the 2023-2024 fiscal year.

BACKGROUND: NE Rural Water 2023 membership renewal/donation: After further discussion, Little made a motion to donate \$300.00 to Nebraska Rural Water for the help and equipment they provide for the Village. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Bids for 381 Hudkins Road to fix driveway from valve replacement: After further review of the two quotes, Little made a motion to approve Gordon Concrete Construction to replace the end of the driveway for \$630.00. Board also approved Gordon Concrete Construction to put a 4' sidewalk in Harriet Circle Park from the street to the upper playground for \$2,456.00 using KENO money and replace a section of a sidewalk at 513 Education Drive for \$296.00 which the homeowner will reimburse the Village for. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Car Show results: 141 cars this year which was 60-70 cars less than what we normally have. Made \$4,557.01, weather has very hot and dry, also heard that Duncan Aviation had moved their car show to the same day as the Village's show.

BACKGROUND: NDEE – Public Water System Security Sub-grant Application – generator: After further review, Little made a motion to approve the NDEE Public Water System Security Sub-grant application that Miller and Associates filled out for help with getting a new generator for Well 1. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: NDEE – August 22, 230 – inspection of the Wastewater plant results: A copy of the inspection report was reviewed by the Board.

BACKGROUND: Conditional Use Permit for 361 Hudkins Road: This item will be tabled until next month.

BACKGROUND: MIT Contracting – SENDD work at 140 N. Lincoln Street – this item will be tabled until the October meeting waiting on different paperwork.

BACKGROUND: Tree bid for tree trimming in the Village: After further review of the quote from Top Notch Tree Trimming, Little moved to approve the bid for \$2,400.00 using funds from KENO and the playground account. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NYE: None; Motion carried 4-0; Members absent: None.

BACKGROUND: Budget review – set date for budget hearing. Board set September 20th at 5:30 p.m. to hold the budget hearing at the Village Hall.

With no further business to discuss, Little moved to adjourn at 10:23 p.m. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NYE: None; Motion carried 4-0; Members absent: None

Nadine Link, Village Clerk