The Village of Sutherland Board of Trustees held a Regular Meeting on December 14, 2022, at 6:00 p.m. in the Village of Sutherland Meeting Room, located: 1200 First Street, Sutherland, Nebraska. Notice of this meeting was given by posting notice in four public places, the designated method by the Village Board of Trustees. The agenda for this meeting was kept continuously current and available for inspection at the Office of the Village Clerk. Trustee Members present upon roll call were Kimberly Backer, Samuel Haworth, Scott Meyer, Frank Fleecs and Derek Dempcy. Also, present were Village Clerk Danette Jorgensen, Village Superintendent Casey Kendall, and Village Attorney Rory Roundtree. The guests present were Gene Tacey and Felicia Patrick. If all the names are not included, it is only by error, absence of signature or undecipherable signature in the guest book.

Chairperson Backer called for a roll call, recognized a quorum was present and called the Regular Meeting to order at 6:00 p.m.

The Board of Trustees and guests rose and recited the Pledge of Allegiance.

Backer gave notice of the open meeting law poster and its location and proper procedure for guests.

Reading and approval of minutes for the November 9, 2022, Board of Trustees Regular Meeting. Discussion was held. Meyer motioned to accept the minutes as presented, second by Dempcy. Voting yes: Meyer, Dempcy, Fleecs, Backer, and Haworth. Motion carried.

Jorgensen had contacted the fire chief. He had nothing to report for this meeting.

Sheriff’s Report was discussed by Backer. CFS: 65; Total Traffic: 3; Total Village Code Violations: 2 Loose Dogs; Village Hours: 149.25; To Date: 244.25, and Yearly: 1200. Discussion was held. Jorgensen is asked to follow up on the loose dogs to find out if citations were issued or if it is the same dogs that have previously been cited. Let the board know whose dogs are being referred to.

**UNFINISHED BUSINESS:**

Roundtree reported that the owners of the fence on North Walnut had been notified by letter some time ago. Kendall reported that he had met with 2 men from the county at the property. It was determined that the fence was on the county property. There was a discussion with the homeowner. This is now in the hands of the county. If it isn’t done in a timely manner, Roundtree is to draft a letter to the county attorney in the spring so that this issue can be completed.

Meyer reported that the Fire Hall-Department Merger is still on track to finalize. Fleecs asked how long we had the additional documents and who had approved. He noticed that the ambulance didn’t seem to be included in the original documents that had been sent to the rural department’s attorney last month. Roundtree referred to “Exhibit A” that is attached to the interlocal agreement. The attorney from the Rural Department had not said that anything was wrong with the agreement, so it was assumed they had no concerns with the terminology. Roundtree amended the fire department agreements. Warranty Deed will be held by Roundtree until the completion of the merger. Haworth motioned to accept the Interlocal and have Trustee Meyer sign on behalf of the Board. Second by Dempcy. Voting yes: Haworth, Dempcy, Meyer, Fleecs, and Backer. Motion carried.

Haworth motioned to approve Resolution #2022-12-01 for Fire Department Interlocal and have Trustee Meyer sign on behalf of the Board. Second by Dempcy. Voting yes: Backer, Fleecs, Meyer, Dempcy, and Haworth. Motion carried.

Roundtree directed the Chair to sign the warranty deed. Meyer motioned to have the chair sign the Fire department warranty deed and forward to Roundtree until the merger is completed in full. Meyer motioned to approve the signing of the Warranty deed and forward to Roundtree. Voting yes: Meyer, Fleecs, Backer, Haworth, and Dempcy. Motion carried.

ARPA Funding will stay on the agenda until it is spent. Werblow is working on the Pine Street drainage. Rountree will address the owners of the property adjacent to the sewer lagoons in January and try to come to an agreement so we can start that project.

The pumper truck will stay on until the merger is complete.

Veteran’s Memorial will be addressed later in the meeting.

Kendall recommended taking the Eagle Scout project off the agenda until next summer. He had met with Arellano and let him know that he thought it would be better for him to refurbish the horseshoe pits in Railroad Park rather than building a whole new area in a different park. Arellano was ok with that and said he would also like to have a tournament in memory of his grandfather there at some point in the spring. Arellano will compile a plan and bring it back to the board when he is closer to starting this project.

Backer has not heard anything from Bob Meyer. S. Meyer proposed that we get a date pinned down for a workshop so that we can post it in a timely manner. Backer instructed Jorgensen to reach out to B. Meyer.

Tiffany’s responsibilities were discussed. Backer would like to have the duties explained a little more in depth. Haworth suggested putting this together with the software updates that are being proposed.

The Comprehensive Tree Plan and Tree Ordinance #664 were discussed. Roundtree sent a copy of these documents to L. Tacey and she had no concerns. Backer instructed Jorgensen to read Ordinance #664 by title only.

**ORDINANCE NO. 664**

**AN ORDINANCE OF THE VILLAGE OF SUTHERLAND, NEBRASKA, AMENDING THE SUTHERLAND VILLAGE CODE (ORDINANCE NO. 570) BY REVOKING AND REPLACING CHAPTER 2, ARTICLE 1 “COMMISSIONS AND BOARD”, SECTION 2-113 “TREE BOARD”; TO REPEAL ALL OTHER ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF IN CONFLICT; TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE VILLAGE OF SUTHERLAND; AND TO PROVIDE THE DATE THAT THIS ORDINANCE SHALL TAKE EFFECT.**

Motioned by Haworth to suspend the 3 statutory readings. Second by Meyer. Voting yes: Haworth, Meyer, Dempcy, Fleecs, and Backer. Motion carried.

Motioned by Haworth to sign and adopt Ordinance #664. Second by Meyer. Voting yes: Haworth, Meyer, Backer, Dempcy, and Fleecs. Motion carried.

**Adjourn Sine Die:**

Backer adjourned Sine Die at 6:49 P.M. Turned the meeting over to Roundtree.

**Re-Organizational Meeting**

Re-Organization Meeting was opened at 6:50 P.M. Roundtree will serve as Chair protem until everyone is sworn in and a chairman is elected. Roundtree advised that the Village had been notified of the election results by the County Clerk. The votes for Samuel Haworth and Scott Meyer had been certified. Roundtree then swore in the Trustees.

Roundtree stated that we would follow Ordinance #653 for Re-appointments of the Board. Fleecs motioned to nominate by voice and vote by secret ballot if there is more than 1 nomination. Second by Haworth. Voting yes: Fleecs, Haworth, Backer, Meyer, and Dempcy. Motion carried.

**Elect New Board Chairman:**

Meyer nominated Sam Haworth. Roundtree asked Haworth if he would accept. Haworth accepted the nomination. Fleecs nominated Kim Backer. Roundtree asked Backer if she would accept. Backer accepted the nomination. Fleecs nominated Scott Meyer. Roundtree asked Meyer if he would accept the nomination. Meyer accepted the nomination. With no further nominations being heard Roundtree closed nominations. Jorgensen collected secret ballots from trustees and counted them with Roundtree. Trustee Haworth received the majority of the votes. Roundtree informed the body that Haworth had received the majority and would now be taking over as the chairperson for the remainder of the meeting.

**Elect New Vice Chairman:**

Haworth nominated Scott Meyer. Haworth asked if Meyer would accept. Meyer accepted the nomination. Meyer nominated Derek Dempcy who respectfully declined the nomination. Fleecs nominated Kim Backer who respectfully declined. With no further nominations being heard, Haworth requested a secret ballot. Meyer was unanimously elected as vice chairman.

**Assign Committees:**

Haworth went through the list of committees that will need a liaison to represent the Board.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Board of Trustee Members** | |  | **Committee** |  |  |  |
| Chairman | Sam Haworth |  | Board of Health |  |  |  |
|  |  |  | Water and Sewer |  |  |  |
|  |  |  | WDNDD/Community Development |  |  |  |
|  |  |  | Lilies  of the Valley |  |  |  |
| Vice Chairman | Scott Meyer |  | Fire & Rescue |  |  |  |
|  |  |  | Library Board |  |  |  |
|  |  |  | Safety Committee |  |  |  |
| Trustee | Kim Backer |  | Planning Commission |  |  |  |
|  |  |  | Recycling/Sanitation |  |  |  |
|  |  |  | Chamber of Commerce |  |  |  |
|  |  |  | Growth Committee |  |  |  |
| Trustee | Frank Fleecs |  | Law Enforcement/ Investments |  |  |  |
|  |  |  | Keno/Light Plant/Streets |  |  |  |
| Trustee | Derek Dempcy |  | Rodeo Grounds |  |  |  |
|  |  |  | Safety Committee |  |  |  |
|  |  |  |  |  |  |  |

**Re-Appointment of Employees:**

Village Superintendent. Motion Meyer, second Dempcy to appoint Casey Kendall as the Village Superintendent. Kendall accepted the appointment. Voting yes: Meyer, Dempcy, Fleecs, Backer, and Haworth. Motion carried.

Village Clerk/Treasurer. Motion Fleecs, second Meyer to appoint Dani Jorgensen as the Village Clerk/Treasurer. Jorgensen accepted the appointment. Voting yes: Fleecs, Backer, Haworth, Meyer, and Dempcy. Motion carried.

Haworth motioned to appoint Rory Roundtree as the Village attorney. Second by Fleecs. Roundtree accepted the appointment. At the same time, he advised the board that his rates would be increasing. He will get an agreement on the next agenda. Voting yes: Haworth, Backer, Fleecs, Dempcy, and Meyer. Motion carried.

Backer asked Casey to call Tom Werblow to ask if he would be willing to serve as the Village Engineer/ Street Superintendent. Werblow did tell Kendall that he would accept the appointments. Discussion was held because the board had just appointed Werblow as the Street Superintendent in November for the state. This would clean it up for the state forms if both jobs are identified. Backer motioned to appoint Werblow as the Village Engineer/ Street Superintendent. Second by Fleecs. Voting yes: Dempcy, Meyer, Haworth, Backer, and Fleecs. Motion carried.

There were no re-appointments that were needed for the Planning Commission.

The Housing authority submitted a request from Ruth Quimby to be re-appointed to the Housing Authority. Motioned by Fleecs to accept the re-appointment of Ruth Quimby to the Housing authority. Second by Backer. Voting yes: Fleecs, Backer, Haworth, Meyer, and Dempcy. Motion carried.

The Growth committee lacks 1 member. Backer advised that the committee is up to date on appointments.

The Board of Health was discussed. It was determined that the members were up to date because the board had just been reformed this last year. This board has certain requirements to be a part of by Code of the Village. The Fire chief, a member of the community, a person with medical knowledge, a person from law enforcement, and the Village chair are members of this board. The board now consists of Roger Lathrop, Linda Tacey, Cindy Rising, Rolly Kramer, and Sam Haworth.

We have 2 new boards that will need to be built when the sales tax becomes an issue. There are some qualifications that are required by statute to be on this board. Statute requires only one person on this board to have a financial background. Felicia Patrick expressed interest in both boards. One board will be the Citizen’s advisory review committee and the other will be Loan Review Committee. Fleecs motioned to appoint Felicia Patrick to a 4-year term on the Citizen’s Advisory Review Committee. Second by Meyer. Voting yes: Backer, Fleecs, Dempcy, Meyer, and Haworth. Motion carried. Haworth motioned to appoint Lee Rush to the Citizen’s Advisory Review Committee. Second by Fleecs. Voting yes: Dempcy, Meyer, Fleecs, Backer, and Haworth. Motion carried. Fleecs asked G. Tacey if he would be interested in being on this Committee.

We need to have a letter of intent from anyone interested in becoming a member of a board submitted to the Village office and it will be passed on to the chairman.

**Adjourn Re-Organization Meeting**

Adjourned at 7:42 P.M.

**Re-Open Regular Meeting**

Regular meeting re-opened at 7:42 P.M.

**NEW BUSINESS:**

Motioned by Meyer and seconded by Dempcy to accept Kensie Walters’ letter of resignation as the office assistant. Voting yes: Meyer, Dempcy, Haworth, Backer, and Fleecs. Motion carried.

Back up office help was discussed. This will be an office secretary position with 20-30 hours available per week. Advertising will be done with NEWorks, Telegraph, Courier, and Facebook. Applications will be accepted until the position is filled.

Discussion was held about bug control in the office. No action was taken at this time.

There was a video shown to the board about updating Gworks software/payment options. There was a lengthy discussion after the video. No action taken at this time.

Backer motioned that we accept the BCBS option 1 for health insurance for employees. Second by Meyer. Discussion was held. Voting yes: Backer, Meyer, Dempcy, Fleecs, and Haworth. Motion carried.

Jorgensen discussed applying for the Safety Grant award through LARM. We were notified that we had received $500 for the upgrade to the library’s security system. We will need to get pictures taken and passed on to LARM.

Haworth motioned to make a $50 donation to Lilly’s of the Valley Lighting contest from Keno funds. Second by Backer. Voting yes: Fleecs, Backer, Haworth, Meyer, and Dempcy. Motion carried.

Haworth wrote letters of appreciation to our maintenance crew regarding the water break that happened the day after Thanksgiving.

Holiday pay/Overtime pay/Vacation leave was discussed. This will be discussed more when we look at the personnel manual next month.

DOT Banner Permit expires December 31. This is for the center island decorations. Fleecs moved to adopt and have the chairman sign. Second by Dempcy. Voting yes: Fleecs, Dempcy, Backer, Meyer, and Haworth. Motion carried.

Kendall presented bids for 2 new mowers from Rankin. Rankin offered to sell the Walker mower for us on consignment for 10%. Kendall would like to purchase the 660. Fleecs motioned purchase the 660 out of the equipment fund. Second by Meyer. Voting yes: Fleecs, Backer, Haworth, Meyer, and Dempcy. Motion carried.

Making direct deposit an option for employees was discussed. Meyer motioned to approve employees to have direct deposit of paychecks to begin the first pay period of February. Second by Fleecs. Voting yes: Haworth, Backer, Fleecs, Dempcy, and Meyer. Motion carried.

Sales Tax Clarification for deposit. More clarification is needed from the state. No action was taken at this time.

Gene Tacey represented the Growth Committee to purchase 2 new stones for $1000. And they pay the remainder of the original stones for Veteran’s memorial. Fleecs motioned to purchase 2 new stones for $1000 and pay the remainder of the original stones $41,500 for Veteran’s memorial from the Veteran’s memorial fund. Second by Backer. Voting yes: Meyer, Dempcy, Fleecs, Backer, and Haworth. Motion carried.

**OTHER:**

Claims were discussed. The total claims will be $184,953.59. Fleecs would like to see Water and sewer bonds come out of general funds. Motioned by Meyer to approve as amended by shifting the 3 bond payments. Second by Fleecs. Voting yes: Meyer, Fleecs, Backer, Haworth, and Dempcy. Motion carried.

The payroll reports, comp time, utility rate increase report, income statement, balance of accounts and the profit and loss statements were all reviewed.

Complaints are under advisement.

**Reports:**

Superintendent Kendall reported that the Christmas roll off should be coming for general use tomorrow. We are a year into having the new baler. The railroad notified us that they will be cancelling their lease for mowing.

Clerk/Treasurer Jorgensen reported Eakes will be in to look at our chairs and office arrangement.

**Trustees Reports:**

Haworth reported that Kendall’s use of the mini excavator expedited the water repair break. Thanked the board for the vote as Chairman. Congratulated Scott for being elected.

Meyer reported that we will be sending the merger information to our attorney, and he will forward it to the Rural’s attorney. Thanked the maintenance department for their speedy response to removing the snow.

Fleecs: Would just like to go into executive session.

Backer had been contacted about trash pickup and whether it would be done or not.

Dempcy reported that he was also impressed with our maintenance crew and their response to snow removal.

**EXECUTIVE SESSION**

Motion Fleecs, second by Backer to enter Executive session for reason of personnel at 9:41 P.M. Voting yes: Fleecs, Backer, Haworth, Meyer, and Dempcy. Motion carried. Executive Session was entered into for the reason of discussion of personnel at 9:41 P.M. Kendall was dismissed.

The board came out of Executive session at 9:51 P.M. There have been 2 complaints previously filed by Kensie Walters and Ed Walters against Frank Fleecs that have been found to be unsubstantiated. Backer motioned to have it stated and placed in the file that these complaints are unfounded and unsubstantiated. Second by Meyer. Being advised by Attorney Roundtree, Haworth and Backer informed everyone that this was investigated by the body, and the tape is on file. Voting yes: Backer, Meyer, Haworth, and Dempcy. Abstaining from the voting: Fleecs, Motion carried.

The meeting was adjourned at 9:53 P.M.

These minutes are set to be approved at the next regular meeting on January 11, 2023.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Samuel R Haworth Chairman

Board of Trustees, Village of Sutherland

[Seal] Danette Jorgensen, Village Clerk/Treasurer

Village of Sutherland