

VILLAGE of SUTHERLAND
BOARD OF TRUSTEES Regular Meeting
August 14, 2024
At 6:00 P.M.

1 The Village of Sutherland Board of Trustees held a Regular Meeting on August 14,
2 2024, at 6:00 P.M. in the Village of Sutherland Meeting Room, located at 1200 First Street,
3 Sutherland, Nebraska. Notice of this meeting was given by posting notice in four public places,
4 the designated method by the Village Board of Trustees. The agenda for this meeting was kept
5 continuously current and available for inspection at the Office of the Village Clerk.

6 Chairman Meyer called the Regular Meeting of the Board of Trustees to order at 6:00
7 p.m. Members present upon roll call were **Scott Meyer, Kimberly Backer, Felicia Patrick, and**
8 **Derek Dempcy. Frank Fleecs was absent.** Quorum was established. Also present were Village
9 Clerk Bonnie Ralston, Village Superintendent Casey Kendall, and Village Attorney Rory
10 Roundtree. The guests present were Lincoln County Commissioner Chris Bruns, Trena Seifer,
11 Terry Lemmert, Jody Lemmert, Jim Dickerson, Linda Tacey, Gene Tacey, Tom Werblow, and
12 Rusty Patrick. If all the names are not included, it is only by error, absence of signature or
13 undecipherable signature in the guest book.

14 The Board of Trustees and all present rose and recited the Pledge of Allegiance.

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

17 The Board read the minutes for the regular meeting of the Board of Trustees July 24, 2024,
18 Regular Meeting. Motion Backer to approve the minutes as presented. Second Dempcy. Voting
19 yes: Meyer, Dempcy, Backer. Abstaining: Patrick. Absent and not voting: Fleecs. Voting no: none.
20 Motion carries. The minutes for the July 24, 2024 budget work session were also presented. Motion
21 Dempcy to approve as presented. Second Meyer. Voting yes: Backer, Dempcy, Meyer. Patrick
22 abstained as she was not present at that work session. Absent and not voting: Fleecs. Voting no:
23 none. Motion carries. Minutes from the work session held on July 31, 2024 were presented for
24 approval. Backer pointed out that the date was wrong one the minutes. This will be corrected.
25 Motion Backer to approve the minutes with the corrected date. Second Meyer. Voting yes: Meyer,
26 Backer. Patrick and Dempcy abstained due to not being present at that work session. Absent and
27 not voting: Fleecs. Voting no: none. Motion fails. The minutes will be presented again at the
28 regular meeting on August 28, 2024.

29 Meyer gave the Sheriff's report. There were 47 calls for service, 1 traffic violation, and 1
30 animal complaint. Sutherland logged 92 hours, which takes the total to 1118.25 hours for the year
31 on our 1200 yearly contracted hours.

32
33 At 6:04 PM, Meyer adjusted the agenda to accommodate Lincoln County Commissioner
34 Chris Bruns. Commissioner Bruns first gave an update on the Sutherland bridge project. He was
35 pleased to report that the project is moving along nicely and continues to be ahead of schedule.
36 There are still some items to complete, but they are hoping to have the bridge open within a month.
37 There has been talk of a ceremony to commemorate the opening. Bruns' second report concerned
38 the news from NPPD regarding the SMR project moving on to phase 2 after identifying the 16
39 possible sites. Bruns stated he will be introducing a resolution to the Lincoln County Board of
40 Commissioners declaring Lincoln County a nuclear friendly county. Following his reports, Bruns
41 addressed the potential county building inspector agenda item. The Lincoln County Planning
42 Commission requested the Board of Commissioners explore the possibility of what a county
43 building inspector program may look like. Data and information are being gathered from existing
44 programs in other counties. Bruns also feels having conversations with towns and villages
45 throughout Lincoln County to get their perspective is important. He would like the Board to discuss
46 what elements they would be interested in seeing in the program, and whether they would be
47 interested in participating through an interlocal agreement or something similar. Bruns said it
48 would be a lengthy process before any decisions are made. Meyer asked Bruns to please keep the
49 village apprised of the progress on this and stated that the Planning Commission could possibly
50 get involved with this too. Backer then expressed that she feels this is a county wide need. Bruns
51 then expressed that in his opinion the floodplain aspect is where it is most needed, along with
52 industrial and commercial areas. When Bruns was done speaking, L. Tacey had a couple of
53 questions for him about the bridge project. She questioned how the original cottonwood pilings
54 were being used in the project, and what the purpose was of the extensive clearing of timber to the
55 east of the bridge. Bruns addressed her questions. He stated that the pilings are the private property
56 of the contractor per the agreement made. Bruns expressed that he understood there was some
57 discussion possible between the contractor and the Lincoln County Historical Society and a

VILLAGE of SUTHERLAND
BOARD OF TRUSTEES Regular Meeting
August 14, 2024
At 6:00 P.M.

58 possibility of them reaching out to the village concerning uses for these piling and the donation of
59 them. As for the clearing of the timber, Bruns stated that was a private agreement between the
60 landowner and the contractor, and he was not involved with it.

61 Meyer then adjusted the agenda back to unfinished business.

62

63 **UNFINISHED BUSINESS:**

64

65 Ambulance Billing was discussed. The office has reached out to the rural fire board but
66 has not received a response. This will remain on the agenda.

67 ARPA funding was discussed. A new balance of that account was presented to the Board.
68 Clerk Ralston let the Board know that the balance did not include the water tower painting job
69 payment. An updated amount will be included at the next meeting.

70 The topic of storm/sewer drainage was addressed, as was the sewer lagoon drainage.
71 Kendall and Werblow stated there was nothing new to report on this item.

72 The budget agenda item was discussed. The office has reached out to schedule an
73 appointment with RJ Meyer and Associates to look over the numbers. The date Clerk Ralston
74 originally suggested will not work for the Board, the office will reach out again to confirm a
75 different date.

76 Walnut Street property was addressed. Backer spoke with Western Title and Insurance.
77 This is still being investigated and will stay on the agenda.

78 The office has not heard from B. Meyer since receiving the revised report. Ralston will
79 reach out again.

80 There has been no decision made on the Tree Board grant. This item will remain on the
81 agenda.

82 The weight room fundraising agenda item will be removed. If a representative of the
83 school wants to, it can be placed back on in the future. This topic was discussed at a previous
84 meeting and the Board felt they would not be able to assist with funding.

85 Purchasing a generator was addressed. Kendall reported that Werblow is drawing up a
86 spec sheet and a bid sheet that will be published.

87

88

89

90 **NEW BUSINESS:**

91

92 The purchase of safety clothing and equipment was addressed. The Board had discussed
93 this at one of the previous budget work sessions and asked it to be placed on the agenda for
94 further discussion and possible action. Concerns have been voiced about making the
95 maintenance staff more recognizable and visible. The summer teenage help that is often hired by
96 the village, as well as the regular maintenance staff, works in and around the streets regularly,
97 safety green or orange shirts would make them more visible while working. Discussion was held
98 on if the shirts should say "Village of Sutherland" on them to identify the person as an employee.
99 During budget work sessions the Board had tentatively discussed budgeting \$2,000.00 for the
100 first year of this and then adjusting that amount during budget discussions each year as needed.

101 Jim Dickerson was attending the meeting and questioned if vests had been considered. Meyer
102 addressed this stating that from his own personal experience, vests are often hot, stiff, crack, and
103 rub on the skin of the neck. Kendall also stated that vests are more likely to get caught in
104 machinery since they are looser. Motion Backer to authorize up to \$2,000.00 for the purchase of
105 safety shirts and equipment. Second Patrick. Voting yes: Patrick, Meyer, Backer, Dempcy.
106 Absent and not voting: Fleecs. Voting no: none. Motion carries.

107 The municipal annual certification of program compliance for the Department of
108 Transportation is due. This is a yearly certification that Sutherland is following all guidelines laid
109 out by the State of Nebraska. Motion Backer to adopt Resolution #2024-08-01 and authorize the
110 chair to sign. Second Dempcy. Voting yes: Patrick Dempcy, Meyer, Backer. Absent and not
111 voting: Fleecs. Voting no: none. Motion carries. Motion Backer to authorize all appropriate
112 parties to sign the accompanying certification document. Second Patrick. Voting yes: Meyer,
113 Dempcy, Backer, Patrick. Absent and not voting: Fleecs. Voting no: none. Motion carries.

VILLAGE of SUTHERLAND
BOARD OF TRUSTEES Regular Meeting
August 14, 2024
At 6:00 P.M.

114 Nuisance definitions and ordinances were placed back on the agenda. Felicia Patrick
115 addressed this, as she was the one who requested it be placed on the agenda. F. Patrick stated she
116 had been doing further research on hay bales allowed within the limits of a city or village. F.
117 Patrick referenced Gering, NE ordinances relating to combustibles being allowed in the
118 designated fire limits. Meyer wanted some research done to define and get the boundaries of said
119 fire limits. F. Patrick then expressed her frustration with the amount of meeting this item had
120 been on the agenda pending further research. F. Patrick questioned how much research and
121 discussion was needed when there is an ordinance in place in Sutherland. Meyer reiterated that
122 hay is a commodity, that had been stated at previous Board meetings. F. Patrick stated it is only a
123 commodity if you sell it. Rusty Patrick was in the audience and interjected at this point stating
124 that a commodity is something that is sold, not kept and harbored. Backer then asked him to give
125 his name according to proper guest procedures. R. Patrick went on to state that the bales in
126 question have set on the property for several year and have begun to mold. He then said that if
127 they were a commodity and were being sold that there is no lack of buyers. R. Patrick then
128 questioned how many corners would be cut or loopholes would be jumped through during this
129 process. He expressed that this property is in a residentially zoned area, he lives in a city not in
130 the country, and there are ordinances against this. Meyer stated again that hay bales are not
131 referenced in the ordinance. R. Patrick countered by stating the ordinance references anything
132 that creates housing conditions where snakes, rodents, etc. can reproduce. R. Patrick went on to
133 state that he had been told that because it was not visible from a public access area there was
134 nothing the village could do about the weeds growing. He expressed frustration with the Board
135 offering excuses instead of solutions. Meyer then asked Attorney Roundtree for his input.
136 Roundtree stated the process would be to have the Board direct him to draft a resolution
137 declaring hay bales a nuisance. Meyer responded by saying if that was what the Board chose to
138 do it would have to ban hay bales throughout the corporate limits. F. Patrick and R. Patrick both
139 stated that a timeline for moving them would be sufficient. Meyer stated he had driven around
140 Sutherland and noted several hayfields. He stated that if the Board took this step, it would be all
141 or nothing. R. Patrick replied that letting them bale it and move it would be fine. He then went on
142 to say there are no cattle in city limits so there is no need for hay bales in city limits. Meyer
143 informed him there are cattle and other livestock in the corporate limits. R. Patrick expressed the
144 opinion that if you are going to store hay, you should have livestock to feed it to. Meyer asked
145 the Board how they would like this handled. Whether it be by a simple up/down vote at that
146 moment and move forward from there. Roundtree then clarified the Gering ordinance that F.
147 Patrick referenced and let the Board know that it was specific to a certain area of the town, not
148 city wide. Backer asked F. Patrick at this time if this was a personal issue, as she has stated in the
149 past. Patrick said yes, but also wanted to clarify that it is also a Board issue due to the Board not
150 standing behind the ordinances in place. Dempcy spoke up saying the question at hand was if
151 hay bales should be designated a nuisance. Roundtree commented that the Board, meaning past
152 and present members, have all designated things as nuisances. He gave the example of lumber:
153 stacked neatly it is not considered a nuisance, scattered on the ground it is. F. Patrick questioned
154 this saying that how she views a neat stack is different from how someone else would. Meyer
155 commented that is what makes this discussion so difficult. Kendall reminded the Board that “a
156 pallet is a pallet, until you paint a flower on it, then it’s art”. All agreed that some definitions and
157 descriptions are very subjective. Roundtree stated that the deciding factor is what a majority of
158 the Board votes for. Meyer expressed that the cleanest way to go about things at this point would
159 be for Roundtree to draft the resolution declaring a nuisance, based on evidence presented. The
160 Board would then vote on whether to accept it. Roundtree stated he would present the current
161 nuisance ordinances, and the Board would have to determine if this met those criteria. Meyer
162 asked if there was any further discussion on this item. Backer questioned if a timeframe would
163 be set or if it would be an immediate action needed. R. Patrick interjected, stating that allowing
164 time to dry would be nice. He suggested 30 days before they must be moved. Meyer wanted
165 clarification on if an ordinance to set rules and regulations concerning hay bales was what was
166 needed, and if so it would be corporate wide. Roundtree stated that the resolution would be
167 concerning one specific complaint against a specific property. An ordinance would be needed to
168 change the nuisance definitions and set a timeline; it is a broader solution. Meyer is of the
169 opinion that the ordinance taking care of it across the board would eliminate any issues going
170 forward. Backer feels the time frame needs to be left open for now and questioned if existing

VILLAGE of SUTHERLAND
BOARD OF TRUSTEES Regular Meeting
August 14, 2024
At 6:00 P.M.

171 bales would be grandfathered in, Roundtree clarified that if they are declared a present nuisance
172 they would not be, but he could not guess at the determination of the Board. Backer discussed
173 properties on the south side of town that have livestock, and the ramifications of this being that
174 they would not be able to stack feed for their livestock. Meyer asked again how the Board
175 wanted to move forward, Backer expressed her opinion that she doesn't think banning hay bales
176 in corporate limits is the answer. Meyer asked if the Board would prefer to go the nuisance route.
177 F. Patrick stated she felt that would be the fair route to go for those who do have livestock. F.
178 Patrick expressed the opinion that those who use their bales to feed livestock have turnover,
179 therefore it is a commodity because it is in use and has value. If the hay has not been used and
180 sits, it has no value and is not a commodity. G. Tacey then addressed the Board asking if it is
181 possible to word the resolution so it would exclude any engaged in active feeding. R. Patrick
182 spoke up to state that active feeding disrupts the opportunity for rodents, snakes, etc. to breed
183 and create a home because there is turnover. He also stated his opinion that there is no need for
184 the bales to be kept in an area where there is no livestock on the property, and it is simply baled
185 and left to rot. He also expressed that if there are properties where bales have been sitting for
186 long periods of time, the village is not enforcing their own ordinances. F. Patrick asked Attorney
187 Roundtree what the options were for this, and if he could present those to the Board to decide
188 which is the best option for Sutherland. Roundtree stated he could put together the evidence and
189 the nuisance declaration for the Board to vote on. He could also draft a nuisance ordinance if so
190 directed by the Board to do so. Meyer felt that the best option would be to take the nuisance
191 route, Roundtree stated he could draft a resolution specific to the property, the owner would need
192 to be contacted, and the Board could move forward from there. Dempcy pointed out that when
193 West Central handled the nuisances, they included photographs as part of the evidence for the
194 nuisance declaration, taken from a public viewing spot. Meyer then asked if there was any
195 further discussion. T. Lemmert was in the audience and addressed the Board. His property and
196 bales are the ones being discussed, Lemmert informed the Board he uses the bales to feed his
197 cattle, which he has a permit for. R. Patrick then asked what the timeline was for when the bales
198 were last moved. Meyer stated he was not in the habit of keeping track of others bales, but he
199 personally keeps a years' worth of hay for his horses at the ranch. With no further discussion
200 Meyer moved to the next agenda item.

201 Dates for water and wastewater operator trainings were discussed. There are classes that
202 Kendall and Trusty-Solko must attend to keep the required licenses and will be the start of
203 getting Rego licensed also. Kendall informed the Board he would like to send Trusty-Solko and
204 Rego to a class in North Platte on the 11th of September, Kendall and Rego would attend a 3-day
205 class October 1-3rd, and Kendall and Trusty Solko would attend a class October 16th. Each 3-day
206 will still be presented on the claims list, the office wanted to get approval to register them for the
207 classes ahead of time since the dates are quickly approaching. Motion Patrick to allow the
208 maintenance personnel to attend the proper water and wastewater trainings as required. Second
209 Dempcy. Voting yes: Dempcy, Backer, Meyer, Patrick. Absent and not voting: Fleecs. Voting
210 no: none. Motion carries.

211 Next on the agenda was a bid for the Veterans Memorial plaque. G. Tacey submitted two
212 bids for this. One from Artistic Bronze, Inc. in the amount of \$2,975.00 and one from Wegner
213 Monument Co. for \$3,500.00. The plaque will recognize the major donors to the Veterans
214 Memorial. The Growth Committee recommends the bid from Artistic Bronze, Inc. Tacey also gave
215 an update on the setting of the stones for the Memorial. The company will be out next week to
216 determine the best way to get across the park and plans on setting the stones on the 28th of this
217 month. Tacey also stated that the Growth Committee would like to put benches in at the memorial.
218 There were two bids submitted for this. One from Wegner Monument Co. for \$2,581.00 and one
219 from North Platte Monument Co. for \$4,830.00. Both quotes were for grey stone benches with
220 backs. Tacey did let the Board know that the bid from Wegner was lower because they were the
221 company the stones were purchased through, and the price does include delivery and installation.
222 The Growth Committee recommends the bid from Wegner Monument Co. Motion Backer to
223 accept the bid from Artistic Bronze, Inc. for \$2,975.00 for a plaque, to come from the Veteran's
224 Memorial Fund. Second by Dempcy. Voting yes: Patrick, Dempcy, Meyer, Backer. Absent and
225 not voting: Fleecs. Voting no: none. Motion carries. Motion Backer to accept the bid from Wegner
226 Monument Co. in the amount of \$2,581.00 per bench for 4 benches, to come from the Veterans

VILLAGE of SUTHERLAND
BOARD OF TRUSTEES Regular Meeting
August 14, 2024
At 6:00 P.M.

227 Memorial Fund. Second Dempcy. Voting yes: Meyer, Dempcy, Backer, Patrick. Absent and not
228 voting: Fleecs. Voting no: none. Motion carries.

229 The office submitted a quote to purchase 100 additional public users for the FrontDesk
230 website. Ralston stated there were only 4 available users remaining of the original 300. These
231 accounts are available to be set up by utility customers who want to pay their bill online, enroll in
232 auto pay, or monitor their bill monthly. Motion Patrick to approve the purchase of additional users.
233 Second Dempcy. Voting yes: Meyer, Dempcy, Backer, Patrick. Absent and not voting: Fleecs.
234 Voting no: none. Motion carries.

235

236

237 **OTHER:**

238

239 • Claims were presented to the Board in the amount of \$141,718.78. Backer clarified that
240 the Copeland Electric claim was multiple invoices. Motion Backer to approve the claims
241 as presented. Second Patrick. Voting yes: Dempcy, Backer, Meyer, Patrick. Absent and
242 not voting: Fleecs. Voting no: none. Motion carries.

243 • Payroll Report was presented to the Board.

244 • Comp Time Report was also included in the packet.

245 • The Utility Rate increase report was included in the packet.

246

247 **FYI INFORMATION:**

248

249

250 **REPORTS:**

251 • Superintendent Kendall reported that the summer help has all left. He said that this may
252 have been the best crew he has had, and they will be missed. The pool is also closed for
253 the year, the dive team has approached Kendall about having a dive session before it is
254 fully drained for the winter.

255 • Clerk Ralston updated the Board on the Game and Parks grant that the Village applied
256 for. The review process is still ongoing. Game and Parks is waiting for the Environmental
257 Clearance, which is expected the first part of September. At that time, contracts will be
258 sent to the village to complete. The Visitors Center grant for the Veterans Memorial has
259 been extended due to delays getting concrete work done. It is extended until May 1, 2025.
260 There should be no problems getting the project completed by that date.

261

262

263 **Trustees Reports:**

264 • K. Backer addressed the chlorination of North Platte water, reminding everyone that
265 when the Sutherland loop is completed, we will also have to chlorinate. Dead ends catch
266 gunk which will break free when worked on. Also, trucking the pipes down the interstate
267 means bugs and stuff get inside them so they will need cleaned. Kendall added that it has
268 to be chlorinated until two clean tests come back.

269 • D. Dempcy had nothing to report.

270 • F. Fleecs was absent from this meeting.

271 • F. Patrick had nothing to report.

272 • S. Meyer had nothing to report.

273

274

275

276 With nothing further on the agenda, the meeting was adjourned at 7:09 PM.

277

278

279

280 These minutes are set to be approved at the August 28, 2024, regular meeting.

281

282

VILLAGE of SUTHERLAND
BOARD OF TRUSTEES Regular Meeting
August 14, 2024
At 6:00 P.M.

283
284
285
286
287
288
289
290
291
292
293
294
295
296
297

[Seal]

Scott Meyer, Chairman
Board of Trustees, Village of Sutherland

Bonnie Ralston, Clerk
Village of Sutherland