

VILLAGE of SUTHERLAND
BOARD OF TRUSTEES Regular Meeting
September 11, 2024
At 6:00 P.M.

1 The Village of Sutherland Board of Trustees held a Regular Meeting on September 11,
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 and attending via zoom.** Quorum was established. Also
9 present were Village Clerk Bonnie Ralston, Village Superintendent Casey Kendall, and Village
10 Attorney Rory Roundtree. The guests present were Village Engineer Tom Werblow, Lincoln
11 County Sheriff Jerome Kramer, Lincoln County Sheriff Dan Newton Jim Dickerson, Milan
12 Moore, Muriel Clark, and Trenda Seifer. If all the names are not included, it is only by error,
13 absence of signature or 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 August 28,
18 2024, regular meeting. Motion Patrick to approve the minutes as presented. Second Dempcy.
19 Voting yes: Meyer, Backer, Patrick, Dempcy. Attending via Zoom and not voting: Fleecs. Voting
20 no: none. Motion carries. The minutes for the August 30, 2024, budget work session were also
21 presented. Backer discovered a mistake in the attendees and questioned if they could be approved
22 on content only and allow adjustments to be made before they are signed. Attorney Roundtree
23 stated that could be done. Motion Dempcy to approve the content with the discussed adjustments.
24 Second Meyer. Voting yes: Dempcy, Backer, Meyer. Patrick abstained as she was not present at
25 that work session. Attending via zoom and not voting: Fleecs. Voting no: none. Motion carries.

26 Lincoln County Sheriff Jerome Kramer presented the Sheriff's report. There was an
27 inaccuracy on the report sent to the village by the Sheriff's Department. The hours for the month
28 to date were printed as 1118.25 and should be 1212 hours. Kramer will get accurate yearly numbers
29 at the end of the month to be presented to the Board. There were 68 calls for service, 3 of which
30 were traffic related, and 2 Village code violations which were animal related.

31 At 6:05 PM, Meyer adjusted the agenda to accommodate Lincoln County Sheriff's Jerome
32 Kramer and Dan Newton. Both Sheriffs were in attendance to discuss ongoing issue related to a
33 declared potentially dangerous dog. Backer had spoken with the owner, who, unfortunately, could
34 not attend the meeting tonight. The owner had requested it be left on the agenda to get clarification
35 on the timeline and regulations regarding this. Backer stated that when the owner was first notified
36 her dog had been deemed potentially dangerous, the dog had been running loose. Backer
37 questioned if a citation should have been issued at that time. Sheriff Kramer stated that if there
38 was enough evidence to declare the animal potentially dangerous, they would have had enough to
39 issue a citation. No citation was issued, however. Sheriff Newton believes that the responding
40 officer had not gone back to see if this was a recurring issue with this animal, so gave a verbal
41 warning at the time. Backer then questioned if the responding deputies, in the future, could check
42 with the village office to see if an animal has been an issue in the past. In speaking with the owner,
43 Backer was told that the potentially dangerous dog letter did not include information regarding
44 rules and regulations that would need to be followed. Sheriff Kramer informed the Board that
45 copies of the statutes, including procedures that needed to be followed and consequences if the
46 dog were to be out again which could lead to it being declared a dangerous dog, were included in
47 the letter. Clerk Ralston also confirmed she had been given a copy of the Village code with the
48 regulations for a potentially dangerous dog. Backer stated there seemed to be a lot of confusion
49 and she wanted to ensure everyone was on the same page. Sheriff Kramer also said that there were
50 two calls where the dog could not be positively identified, so no citations were issued then. Backer
51 asked why the dog was not picked up when the citation was issued after the potentially dangerous
52 declaration. Sheriff Kramer stated that the owner was cited for loose dog based on doorbell camera
53 evidence, but the animal was not a danger to anyone at that time, based on the evidence given to
54 the Sheriff's Department. Backer then asked if the way the loose dog is being reported was the
55 issue. Sheriff Kramer stated that if the animal, or any animal, is behaving in a threatening manner
56 that needs to be clearly stated. Calling and saying the dog is out again doesn't let the Sheriff's
57 Department know the animal is showing any type of aggression. Backer and Kramer also discussed

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58 the importance of evidence, which could be nothing more than a quick picture on a cell phone.
59 Superintendent Kendall stated he had also had a run in with this dog in his yard. When he hollered
60 at the dog to go home it stayed in his yard. Kendall stated he stayed outside and kept an eye on it
61 until it left. His wife had then told him the animal had been in the yard earlier also and growled at
62 her when she was getting out of her car. Sheriff Kramer stated they will be diligent with calls
63 concerning this and hopefully the owner will be responsible and do what needs to be done.

64 Meyer adjusted the agenda back to unfinished business at 6:13 PM.

65

66 **UNFINISHED BUSINESS:**

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68 Ambulance Billing was discussed. The rural fire department has received a check for all
69 but one dollar to keep the account open in case more payments come in. The ICS account has
70 been closed. Hopefully this account will be able to be completely closed soon.

71 ARPA funding was discussed. Clerk Ralston informed the Board that the remaining
72 amount is \$31, 842.17. This item will remain on the agenda until the funds have been spent.

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

75 The budget agenda item was discussed. Clerk Ralston is adjusting a few numbers that B.
76 Meyer has requested. B. Meyer will send out the budget options for the Board to consider at a
77 work session before finalizing them.

78 Walnut Street property was addressed. Roundtree spoke with Western Title, there are some
79 previous easement issues they are looking into.

80 There has been nothing new on the audit agenda item.

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

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85 **NEW BUSINESS:**

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87 Tom Werblow was in attendance to discuss generator bids with the Board. Bids were
88 opened at 4:30 pm per the published invitation to bid. Four bids were received in the office.
89 Knapp Electric and Copeland electric submitted a bid together for a Cummins generator in the
90 amount of \$43,600.00. Kohler submitted a bid for \$48,900.00. NMC Cat bid was in the amount
91 of \$52,580.00. The fourth bid was from PowerTec for \$59,992.00. Timelines for estimated
92 deliveries from each company were discussed, Werblow questioned whether the delivery time
93 was a critical element. Kendall stated that the Village currently has a service plan with NMC Cat
94 for the existing generator at the well fields, he feels having a service plan to inspect, change oil,
95 check or change batteries, and do load tests is important. Some discussion was held on the
96 service plan suggestion. Jim Dickerson was in attendance and asked the Board if the cost of the
97 service plan was something that would potentially increase every year or if was a guaranteed
98 price per contract. Kendall was not sure, he stated it would be looked into. Dempcy questioned if
99 the different companies would service other brands of generator. Kendall wasn't sure about this.
100 Motion Patrick to table a decision until the September 25th meeting to allow time to get prices
101 and details for service plans from each company. Second Dempcy. Voting yes: Backer, Meyer,
102 Dempcy, Patrick. Attending via zoom and not voting: Fleecs. Voting no: none. This will be
103 carried over until the next meeting before accepting a bid.

104 The next agenda items were completed grants from the Citizen's Advisory Review
105 Committee. Muriel Clark attended the meeting to discuss them with the Board. The first one on
106 the agenda was 928 1st Street. M. Clark submitted an invoice for the reimbursements for the Sno
107 White project that was completed. Backer asked if any before and after photos of the projects
108 were taken to be kept in the files. Clark stated she had photos and would get them to the office.
109 Clark also had a large check made up and would like to involve the Board and media in a
110 presentation that would inform the community about what the monies from the sales tax was
111 being used for. Motion Backer to authorize payment for the grant reimbursement in the amount
112 of \$10,000.00 for 928 1st Street. Second Patrick. Voting yes: Dempcy, Backer, Patrick Meyer.
113 Attending via zoom and not voting: Fleecs. Voting no: none. Motion carries. Next on the agenda
114 was the reimbursement request for a sidewalk grant for 1022 2nd Street. Motion Patrick to

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115 authorize reimbursement in the amount of \$2,835.00. Second Backer. Voting yes: Patrick,
116 Meyer, Dempcy, Backer. Attending via zoom and not voting: Fleecs. Voting no: none. Motion
117 carries. The final reimbursement request was for 130 Park Street. Motion Patrick to authorize
118 payment in the amount of \$6,250.00. Second Backer. Voting yes: Meyer, Backer, Patrick,
119 Dempcy. Attending via zoom and not voting: Fleecs. Voting no: none. Motion carries. Meyer did
120 clarify that all funds for these reimbursements come out of the Economic Development fund.

121 Superintendent Kendall presented a quote for insecticide for consideration. Kendall stated
122 he is out of the mosquito spraying chemical. Typically, he purchases a 55-gallon drum, which
123 lasts approximately 2-3 years. Meyer expressed that this is an important thing to protect the
124 public. The quote was \$5,230.50. Motion Backer to authorize Kendall to purchase the 55-gallon
125 drum of Anvil insecticide from Van Diest at the quoted amount. Second Dempcy. Voting yes:
126 Patrick, Dempcy, Backer, Meyer. Attending via zoom and not voting: Fleecs. Voting no: none.
127 Motion carries.

128 Superintendent Kendall also addressed the agenda item of declaring surplus property.
129 Kendall stated there are two pickups and two pallet jacks that the Village no longer needs since
130 purchasing new ones. He would like to declare the 2004 Chevrolet pickup, the 2006 Chevrolet
131 pickup, and both pallet jacks as surplus and either advertise them in the local paper or place them
132 on an auction to be sold. Discussion was held on the method of sale and a minimum bid if sealed
133 bids was the method chosen. Dempcy questioned if Schow's held a fall auction. Motion Backer
134 to declare the 2004 Chevy pickup, the 2006 Chevy pickup, and both pallet jacks surplus and
135 place them on the fall equipment auction at Schow's. Second Patrick. Milan Moore stated the
136 items should be made available for people to come look at if they are interested. The fall
137 equipment auction is held on November 9, 2024. These items will be listed there. With no further
138 discussion, roll call vote was taken. Voting yes: Backer, Meyer Dempcy, Patrick. Attending via
139 zoom and not voting: Fleecs. Voting no: none. Motion carries.

140 An HVAC unit for the office was discussed. Kendall stated the office unit had been down
141 for a little over a week. Kendall informed the Board that the motor had been ordered, but also
142 stated that the unit is 14 years old, and it may be time to look into replacing it. Meyer asked if the
143 village had a portable back up unit if needed. Kendall said there is a back up for the well house,
144 but it is a slide in wall unit. This was more of an FYI for the Board.

145 Bank accounts were next on the agenda. Fleecs had asked to have this item added to the
146 agenda. He questioned if additional accounts should be opened. The village recently opened
147 several new accounts to separate departmental monies. Fleecs asked if it would be a good idea to
148 open a sanitation account also, and possibly one for emergency reserves. Meyer stated after
149 speaking with B. Meyer at budget hearings he felt it would be a good idea to consider this, it
150 makes money easier to track and account for. Patrick stated she felt transparency was also a good
151 thing. Clerk Ralston was asked for her opinion on this. Ralston stated that she didn't feel this
152 would be hard to manage in the office and said that being transparent with funds was something
153 she felt was important also. This will be placed on the next agenda for further discussion.

154 At this point Meyer turned the floor over to Attorney Roundtree for the final agenda item
155 of potential litigation. Roundtree stated the village had received a letter concerning this and he
156 feels the Board needed to enter executive session for discussion of this. Roundtree also stated
157 that because a member of the Board has a personal and private interest in the potential litigation,
158 he respectfully requests that member not be involved in the executive session so he could speak
159 freely when offering legal advice to the Board of Trustees. Motion Backer to enter executive
160 session for discussion of possible litigation. Second Dempcy. Voting yes: Dempcy, Backer,
161 Meyer. Attending via zoom and not voting: Fleecs. Voting no: Patrick. Motion carries.

162 At 6:43 PM the Board entered into executive session for discussion of potential litigation.
163 No action will be taken.

164 At 6:52 PM the Board came out of executive session. No action was taken.
165

166 **OTHER:**
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- 168 • Claims were presented to the Board in the amount of \$183,986.72. Clerk Ralston clarified
169 the claim for the Maxine White Public Library. This was a grant reimbursement for the
170 library that had been deposited into the general operating account instead of the library
171 operating account. Ralston transferred the amount into the library account. Patrick

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172 questioned the timeline of preparing claims checks before they are approved at the
173 meeting. Roundtree and Backer both explained that the claims are approved before any
174 checks are sent out. Clerk Ralston also stated that it had been explained to her as if claims
175 were not all approved at the amounts listed, the claims would be adjusted and, if
176 necessary, a check would be voided. Motion Backer to approve the claims as presented.
177 Second Patrick. Voting yes: Backer, Meyer, Dempcy, Patrick. Attending via zoom and
178 not voting: Fleecs. Voting no: none. Motion carries.

- 179 • Payroll Report was presented to the Board.
- 180 • Comp Time Report was also included in the packet.
- 181 • The Utility Rate increase report was included in the packet.

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183 **FYI INFORMATION:**

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186 **REPORTS:**

- 187 • Superintendent Kendall reported there are still some issues with the meters at the
188 wellfield. He has been in contract with the company about getting them worked on.
189 Cameras have been installed at the wellfield. He and Cody have been working on the
190 roads at the sewer lagoon grading roads. Roll offs will be pulled from the hill Friday and
191 placed on the north lot.
- 192 • Clerk Ralston has been working on transferring money to the newly opened accounts.
193 She reported she had done some research on the Big Eye Spinnerbaits TIF project and
194 will continue to gather the requested information.

195 **Trustees Reports:**

- 196 • K. Backer would like to have the rate and fee schedule to be on the agenda for review.
197 Backer was also at the Growth Committee meeting and reported that Superintendent
198 Kendall and G. Tacey is working with the company on a timeline of when the stones can
199 be placed. Nothing has been heard on the Game and Parks grant yet.
- 200 • D. Dempcy had nothing to report.
- 201 • F. Fleecs just wants work to continue on the budget.
- 202 • F. Patrick had nothing to report.
- 203 • S. Meyer had nothing to report.

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207 With nothing further on the agenda, the meeting was adjourned at 7:03 PM.

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210 These minutes are set to be approved at the September 25, 2024, regular meeting.

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217 _____
218 Scott Meyer, Chairman
219 Board of Trustees, Village of Sutherland

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226 [Seal] _____
227 Bonnie Ralston, Clerk
Village of Sutherland