

VILLAGE OF UNION
MEETING MINUTES
SEPTEMBER 8, 2010

The Union Village Board met in regular session on September 8, 2010. The meeting was called to order at 7:00 p.m. at the ALA Hall. The Open Meeting Laws were displayed. On roll call: T. McClane, Chipman, and Brown present. J. McClane and Kahland were absent.

Chipman motioned to add agenda item E.: Decision to file lawsuit to recoup penalties and interest on Debra McWha's failure to file and pay withholding taxes. 2nd by Brown. By roll, Trustee votes are as follows: T. McClane – Aye, Chipman – Aye, Brown- Aye. Motion approved.

Minutes of August Board Meeting were reviewed. Brown motioned to approve August 11th minutes. 2nd by Chipman. . By roll, Trustee votes are as follows: T. McClane – Aye, Chipman – Aye, Brown- Aye. Motion approved.

Claims and Accounts were presented. Noted accounts were discussed for payment. Brown made a motion to approve payment of listed accounts. 2nd by Chipman. By roll, Trustee votes are as follows: T. McClane – Aye, Chipman – Aye, Brown- Aye. Motion approved.

CLAIMS & ACCOUNTS
SEPTEMBER 2010

NPPD	FIREBARN*	\$	109.21
BALLFIELD**		\$	56.88
WATER PUMP		\$	344.91
FIREBARN (TOWN BLDG)		\$	17.89
TOWER (WATER)		\$	17.89
TRAFFIC LIGHT		\$	17.89
AREA LIGHT RENTAL		\$	9.21
STREETLIGHTS		\$	435.52
SEWER PUMP		\$	76.49
ALA HALL		\$	41.17

WINDSTREAM OFFICE \$ 66.23
WINDSTREAM FIRE \$ 87.46
MELISSA HANSEN \$ 600.27 AUGUST SALARY
NPHEL \$ 10.00 WATER TESTS
ALLIED RECYCLING \$ 1231.55 Monthly Trash Service
LOAN \$ 618.44 STREET/SEWER LOAN
LOAN \$ 265.64 RESCUE SQUAD
STEVE HEYEN \$ 963.53 AUGUST PAY
BALL INSURANCE \$ 858.00 PROVIDENT GROUP LIFE F& R
JOHNSON'S GAS N GO \$ 298.33 GAS MOWERS,TRUCK & CHIPPER
US TREASURY \$ 800.00 IRS PAYMENT
MURRAY INSURANCE \$ 5174.00 FIRE AND RESCUE PAK
RENEWAL
EMS BILLING \$ 95.54 RESCUE BILLING FEE
NE DEPT OF REVENUE \$ 112.93 JULY SALES TAX
GP ONE CALL \$ 2.85 DIGGER'S HOTLINE
USDA \$ 21209.00 SEWER BOND PRINCIPAL & INT

Correspondence:

The village received correspondence from the Weeping Valley Association updating the participation in their movement to add a zoning overlay for agri-tourism.

Cass County Department of Zoning sent a letter referring to the Weeping Water Valley Association's petition to overlay agri-tourism zoning in Cass County. The department implied that this movement would make changes in the authority of conditional use permits. T. McClane spoke with the zoning department and they gave him the impression that the WWVA's request was illegal. Chipman explained to McClane that the resolution to support agri-tourism zoning designation was already voted on and the motion carried. It is McClane responsibility as Chairman to sign the resolution that the board approved, 4 – 1, whether he agrees with the decision or not. McClane refused to sign resolution. Chipman motioned to have Brown sign the document in lieu of McClane. 2nd by Brown. By roll, Trustee votes are as follows: T. McClane – Nay, Chipman – Aye, Brown- Aye. Motion approved.

FEMA notified the village that it has until November 26, 2010 to adopt and/or submit a floodplain management ordinance to NFIP as required and request approval by this date. McClane explained that we already have adopted an ordinance and that we need to send it along with the maps and paperwork he has.

Utilities Section sent a survey on the municipal use of ATV's in our village. The clerk completed the survey and sent a copy of Union's ordinance on the management of ATV's in the village.

DHHS notified the village that we are in violation for non-acute coliform presence in our public water supply. The clerk briefed that the public notice required has been mailed and posted in accordance with DHHS regulation. She clarified that the coliform in question are harmless. The second set of tests determined that growth is not e-coli or fecal related.

The Clerk's Report:

The equipment repair claim for FEMA Disaster 1878 was approved and funding should follow shortly.

The clerk filed an abatement request for a civil penalty associated with W2/W3 for 2005 not being correctly filed with the SSA. Hansen sent abatement letter along with 2005 W2 and W3 to Carol Hall at the IRS. Previous installment agreement was negated because all penalties weren't included in the agreement.

The State of Nebraska is imposing a \$1 fee to be added to pet licenses and remitted to the State Treasury, minus a 3% collection fee, in September of each year effective July 2010. Chipman asked if there was any statute requiring we collect pet licenses. The clerk said that we collect pet licenses because of our ordinances, and as far as she knows there is no law that requires the village to do so.

The Village Maintenance report: was given by Heyen. The village pumped 683,760 gallons of water in the month of August, 100,000 gallons more than last month. Heyen stated that the lift station hours weren't up as much which could mean an increase in lawn and garden watering. He installed a new meter on the wells August 26th. He also increased pressure in the tank. The wells are running on automatic with the 7 1/2 horse pump running only. He requested permission to buy a dual pressure switch so he can get both pumps running properly on automatic.

Heyen received a bid from Bescheinen Earthmoving for \$600.00 to dig up curb stop at Wiysel's Auto so it can be repaired before winter. The board agreed that the bid was reasonable.

Heyen requested to work on the village's F250 at home to ready it for winter plowing. The Board agreed.

The Montana tractor will be needed for snow removal also this winter. The funds have been approved by FEMA to repair the transmission. The village will try to wait until funds are dispersed before the tractor is taken to Lincoln for repairs.

Heyen wanted to know what his snow removal responsibilities will be this year. He was wondering if clearing the Main Street sidewalks is his job. According to village ordinances Section 5 – 301 and 308, the repair and snow removal of sidewalks is the responsibility of the adjacent property owners. McClane stated that the only sidewalk he would be asked to shovel is in front of the ALA.

Fire and Rescue reported 2 Rescue calls since last meeting. All sirens are in working order. Louise Stewart briefed that they purchased emergency lighting for the firehouse.

The Pancake Breakfast was a success. 2 Waconda residents won the 2 first prizes of ½ hog each in the raffle. There were many other prizes distributed to residents from the area including, Nebraska City, Nehawka and Lincoln. The Union Volunteer Fire and Rescue Organization sends its appreciation to all the community support they received.

Old Business

In an update on the nuisance property inspections, McClane briefed that Helen Wolfe, administrator for ALA, agreed to add exit signs and emergency lights in the American Legion Hall. The stage steps that were reported to be in the way of an emergency exit route will be kept up when not in use.

Kahland reported that Bescheinen says he's still working on moving his equipment off property that doesn't belong to him.

McClane is concerned about Bescheinen's storefront located West of the Village's storage building. It appears to be caving in and poses a safety hazard to the public walkways. He is wondering if we need to have Bescheinen put up some kind of safety fencing.

The Board discussed and decided that nuisance hearings will be held next month on Bescheinen's properties.

Brown reported that Keene knows that his storefront is in need of repair but is waiting for the village to purchase it from him and condemn it.

Chipman reported that he was unable to speak with Larry Wiysel. His wife, Thelma explained that he just received chemotherapy and was unable to come to the phone. She explained that repairs and cleanup of Wiysel Auto is scheduled for the spring when Larry is feeling better. They have recruited many friends to help.

Harrah said that he would be willing to get rid of one of his cars because he doesn't use it for parts anymore. He'd consider removing some of his old tires and such. He said he would also let the village put up a fence, do some cleanup and paint.

Hall admits to needing help cleaning up his property. He doesn't mind making changes with a little guidance and direction.

White wouldn't agree to remove his shed which the village considers ready to collapse. He would not allow us to take his old tires or agree to remove them himself.

The Board discussed that there are a number of owners willing to cooperate with the village and its effort to manage nuisance properties. They believe that it will be possible to keep the effort

moving forward. The Board also discussed that the old laundromat and carwash buildings are leaning forward and the foundation blocks are separating on the East side.

Bescheinen's efforts to clean up the railroad right of way have not been moving at a good pace. He bought a new piece of heavy equipment and was storing it on village property and then moved it to the rail road right of way.

Chipman contacted U.P. and spoke with a woman name Alyssa about the nuisance the right of way presents. In the past, U.P. has yellow tagged equipment stored on their right of way for removal at owner's expense.

Chipman stated that any equipment stored on village property without permission is considered trespassing. Chipman motioned to approve the clerk and the Board of Trustees to report trespasses to the Cass County Sheriff's office. 2nd by Brown. By roll, Trustee votes are as follows: T. McClane – Aye, Chipman – Aye, Brown- Aye. Motion approved.

The Chairman clarified his findings at the Cass County Election office and made a public apology to the clerk for the misunderstanding. The clerk in the election office brought out a book with Union's documents for the upcoming election. The commissioner showed him the candidate forms and he noted they were notarized by Mindy Rush. Unaware that the commissioner turned the page, McClane noted the village clerk's signature as well. McClane, at that time, understood it as the clerk's signature on the election candidate form, when it was actually the certification paperwork for the election.

The clerk briefed that she can't sign election candidate applications because she is not a notary. The forms are mailed to her and can be given out upon request, but they need to be completed by a notary before the clerk can turn them in the county election office.

Chipman asked why McClane felt the need to validate his wife's notary license. Chipman implied McClane was trying to invalidate the candidates' applications. McClane denied the allegation. McClane stated it was all a matter of public record, so out of curiosity, he checked to see if a notary had to change her maiden name to her married name.

Chipman also stated for the record that he did nothing to undermine McClane's running for a trustee seat.

New Business

Chipman requested the Chairman send a letter to Steve Bescheinen commending his act of humanitarianism by helping a six-year-old kindergarten student from Nebraska City that was mistakenly dropped off in downtown Union after school get reunited with his family. His actions reflect well on the employers and citizens of Union. McClane suggested that Union United plant a tree with a plaque commemorating his actions.

New Business item B covered in correspondence.

Chairman McClane directed the clerk to draft a letter for his signature requesting the presence of the resigned park board members at the next regular board meeting with an accounting of funds raised for fiscal years 08/09 and 09/10, and remit raised funds for deposit into the village's general account.

The Board discussed budget for fiscal year 2010/11. They discussed raising the mil levy .08 cents on \$100 for a total of .45 for the upcoming budget year. They discussed re-evaluating the sewer fees and installing new water meters with a means to access the usage from the exterior of each home. They also discussed the Allied Trash contract and how the village loses money when only a percentage of what is due each month is actually collected. Yet, the village has to pay the bill in full. The clerk added that under a new trash contract the village can opt to have the new contractor bill the customers and take the loss in collection. The citizens were concerned that without a trash contract, residents will go back to stinking up the village by burning trash on their properties.

The Board continued to discuss village water rates compared to rural rates and concluded that our flat rates are still more reasonable. Chipman volunteered to research the water rates and meter installation. Louise Stewart queried about a public works grant to install meters. Two years ago, the Board discussed putting in new water meters and no one is sure why the issue was dropped. The Board hesitates raising water rates because residents will view it as trying to make them pay for the Board's past errors and decisions.

Chipman discussed the insurance claim situation with Continental Western. Given the conversations with the agent lately, he is not confident they will be cooperative and pay the claim. They have told Chipman that only the penalties and interest would be eligible for the

claim, not trust portion of the taxes, if accepted. The agent has requested IRS correspondence from 2003 – 2009 and the total amount assessed the village when forms were first filed.

Chipman believes that it is the responsibility of the Board to protect the interests of the village, and in the spirit of this responsibility, a lawsuit should be filed with Cass County against Deb McWha to recoup the estimated \$13,800 in penalties and interest the village owes for her failure to file and pay withholding taxes during her appointment for the years 2003 through 2009. A lawyer has agreed to take the case for a set fee of \$1000.00.

Chipman motioned to approve the Village to file a lawsuit against Deb McWha to recoup the estimated \$13,800 in penalties and interest the village owes for her failure to file and pay withholding taxes during her appointment for the years 2003 through 2009 by September 30, 2010 using above mentioned legal counsel with fees set at \$1000.00. 2nd by Brown. By roll, Trustee votes are as follows: T. McClane – Aye, Chipman – Aye, Brown- Aye. Motion approved.

Chipman motioned to adjourn at 9:18 pm. 2nd by Brown. By roll, Trustee votes are as follows: T. McClane – Aye, Chipman – Aye, Brown- Aye. Motion approved.

The next regular board meeting is scheduled for October 13, 2010 at 7:00 pm at the ALA Hall.

Terry McClane
Chairman