

VILLAGE OF UNION  
MEETING MINUTES  
FEBRUARY 9, 2011

The Union Village Board met in regular session on February 9, 2011. The meeting was called to order at 7:07p.m. at the ALA Hall. The Open Meeting Laws were displayed. On roll call: Hardbarger, Jr., Vidlak, Chipman. Kahland and Brown absent.

Chipman motioned to open the One and Six Year Street Plan Hearing. 2nd by Vidlak. By roll, Trustee votes are as follows: Hardbarger, Jr.-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved. The Plan proposed is identical to 2010 One and Six Year Street plan. The gravel on 1st Street to A St., one block, is identified to be prepped and covered in asphalt with an estimate of \$15,000 in costs. Bescheinen mentioned that he bid on the work years ago, but it must have gotten lost in the shuffle. Residents have complained about potholes and the right of way in front of the Village Offices and Fire Vehicle bays. During our research for Disaster 1902, FEMA had the road damage surveyed and it was found to be under State Highway jurisdiction. Bescheinen also mentioned that for about \$1500 he could repair the existing potholes with cold mix. Cold mix has its problems, according to T. McClane, but the mix can be reconstituted with oil. McClane added that the frost boils need to be cut and concreted. Chipman motioned to close the One and Six Year Street Plan Hearing. 2nd by Vidlak. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

Chipman motioned to accept the One and Six Year Street Plan, as prepared, and to pass the resolution. 2nd by Vidlak. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

Minutes of January 12, 2011 Board Meeting were reviewed. Chipman motioned to approve the minutes. 2nd by Vidlak. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

Claims and Accounts were presented. Chipman motioned to add an IRS payment in the amount of \$7090.74, the funds received from Ms. McWha's bond, and to approve the remainder of the claims and accounts submitted for payment as listed. 2nd by Vidlak. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

CLAIMS & ACCOUNTS  
FEBRUARY 2011

NPPD FIREBARN \$ 85.29  
BALLFIELD \$ 42.31  
WATER PUMP \$ 421.03  
FIREBARN (TOWN BLDG) \$ 39.74  
TOWER (WATER) \$ 18.84  
TRAFFIC LIGHT \$ 18.84  
AREA LIGHT RENTAL \$ 10.87  
STREETLIGHTS \$ 485.89  
SEWER PUMP \$ 92.84  
ALA HALL \$ 30.70  
CHRISTMAS LIGHTS \$ 28.77  
WINDSTREAM OFFICE \$ 57.79  
WINDSTREAM FIRE \$ 88.60  
MELISSA HANSEN \$ 701.96 JAN PAY  
ALLIED RECYCLING \$ 1255.23 Monthly Trash Service  
LOAN \$ 265.64 RESCUE SQUAD  
LOAN \$ 618.44 STREET/SEWER  
STEVE HEYEN \$ 1021.43 JAN PAY  
JOHNSON'S GAS N GO \$ 412.28 VILLAGE 360.70/FIRETRUCK 51.58  
US TREASURY \$ 800.00 IRS PAYMENT  
NE DEPT OF REVENUE \$ 132.78 DEC SALES TAX/PD  
STEVE HEYEN \$ 17.67 POSTAGE WATER TESTS  
EMS BIILLING \$ 155.46 Rescue Billing service/PD  
NPHEL \$ 10.00 WATER TESTS  
DRAKE'S PROPANE \$ 140.76 PROPANE FOR OFFICES  
COLUMBUS TELEGRAM \$ 10.66 1 & 6 YR NOTICE  
US TREASURY \$ 7090.74 ADDITIONAL IRS PAYMENT

Correspondence:

Future Tech, the company that has internet equipment on our water tower, had a vehicle broken into and their key rings were stolen. One of the keys was to our water tower and they have requested a new one. Steve will purchase a new lock and send them a new key.

Palmer and Sons Refuse sent the Village a bid to haul refuse on contract for the community.

Collection costs proposed were \$17.50 per resident, \$15.50 for Seniors, 2 Yard Commercial \$150.00. No price increase for 3 years, but if diesel rises above \$3.50 per gallon they will add a fuel surcharge until the prices go down.

The Clerk's Report:

The State approved the Village's budget with the removal of the 1% increase in restricted funds. In order to pass the increase, 75% of the Board needed to approve it and we only had 66% of the Board present at the hearing.

All federal and state payroll taxes and forms were paid and filed by the deadlines.

The Yearly Sample Site Plan and Emergency Contact Sheet for DHHS have been completed and sent to the appropriate agencies.

The Village is in the process of completing work that was paid for by our FEMA claim. The Ford F250 will be brought to Keckler's for a new quote because the quote was given more than 90 days ago. The Montana tractor repairs will be done when John's Tractor folks to come back from vacation.

The Village Maintenance report: was given by Heyen.

The Village pumped 847,000 gallons of water last month. The pumps ran for 270 hours. The lift station ran for 131 hours, a rate of 4.2 hours per day with no alarms.

Heyen repaired the bend in the fire bay door.

The F250 exhaust will be rebid soon and the Montana tractor will be picked up for repairs

on February 17th.

Heyen had to weld some areas on the snow blade to repair it. He also had to rewire the fuse block to repair snow blade controls.

Heyen attended a DHHS approved water operator class for credit towards the renewal of his grade IV water operator license. The class taught him how to add chemicals to the water system. At the end of the class, each of the attendees received about \$600 worth of chemical distribution equipment to take back to their water systems.

The McWhas reported low water pressure again this month so, Heyen made some minor adjustments to the pump which caused the water tower to overflow. He is hoping that he can get it regulated to all residents' satisfaction.

The Board of Trustees would like to acknowledge and thank Alan Meredith, John Vanderveen, Bill Bescheinen and crew for all their help with clearing snow from the alleys and streets, and for their help in moving the large snow piles left by the State.

Fire and Rescue Ms. Stewart reported 3 Rescue calls and 2 Fire and Rescue calls since the last meeting.

Ms. Stewart and Ms. Brazzle completed the EMS Billing paperwork.

The Fire Department has a new volunteer, Rick Erickson. He also will become part of the Rescue Squad once he has completed the EMT training. His training will be reimbursed by his company upon successfully completing the course. The Village of Union will be reimbursed for the cost of his EMT training at that time. His EMT contract will be turned into the Village Board at the March meeting.

Ms. Stewart informed the Board that the State is phasing out NARCIS paper forms in the near future and wants the Village to consider purchasing a computer for the Rescue Squad.

The Squad needs to replace AED pads and glucose because they expire. She estimates the purchase to be under \$100.00.

Ms. Stewart briefed the Board that they, and the Village employees, need to be NIMS certified on sections 100 and 700. There are certain grant programs that we will not be eligible for if we are not. Ms. Stewart will send the link to the clerk to be distributed to the Board and Heyen.

Chipman asked why the Fire Department roster has 20 members listed and only 6 or 7 respond to emergencies. Ms. Stewart stating that they are in the processing of determining who on the Fire Department roster wants to remain active.

For the record and insurance purposes, Rick Erickson is officially added to the Union Volunteer Fire and Rescue Roster.

Bill Bescheinen commented that the morning of the accident on Highways 75 and 34, his organization volunteered to flag traffic. Bescheinen stated that some people didn't stop for instructions or even slow down, putting the flagmen at risk.

Union United Inc. will be holding a Soup Supper fundraiser on February 12, 2011 from 4 – 8:00pm at the ALA Hall. There will be basket auctions and a Lied Lodge Getaway raffle. All proceeds will go towards the Park Project. Raffle ticket sales for The Lied Lodge Getaway will continue into Mid March. Tickets can be purchased at Johnson's Gas N Go and from the Village Clerk.

Old Business

Chipman read into the minutes the proposed ordinances 8-601 – 8-610 to become effective

January 1, 2012. A copy of the proposed ordinances is attached. After reading the proposed ordinances, Chipman requested comments from the floor. No comments given.

Chipman motioned to appoint the following members to the Health Board: Wes Feight, Dwain "Butch" Hardbarger, Jr., and Dave Chipman. 2nd by Vidlak. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

The Board discussed Hansen's attendance to the Clerk's Academy and Institute March 14 – 18 at the Holiday Inn Convention Center in Kearney. The tuition is \$400.00 and the room blocks are \$74.99 per night. Hansen explained that there was a problem with her original travel plans. Her vehicle has a manual transmission and she will be unable to drive it after shoulder surgery scheduled for February 18th is completed. The Board discussed viable room rates in the area starting at around \$60 per night. The Board advised Hansen to find acceptable transportation, possibly borrowed, and to find reasonable accommodations. Vidlak motioned to approve the clerk's attendance at the Academy, with tuition of \$400.00, accommodations not to exceed \$75 per night and mileage paid at the standard government rate. 2nd by Chipman. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

Last month, the Board discussed delinquent accounts and motioned to authorize the chairman to contact the delinquent account holders and advise them that they are scheduled to be cut-off March 1, 2011. At present there are 16 seriously delinquent accounts amounting to approximately \$9000.00 in past due balances. The current ordinance 6-301 requires 14 day notification of utility shut off. Chipman motioned to revise the January motion to contact account holders by February 1, to state: notify the delinquent utility customers and landlords by letter, at least 14 days prior to March 1, 2011 disconnections and to allow the Chairman to shut services off at his discretion for delinquent accounts. 2nd by Vidak. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

## **New Business**

The clerk received 2 citizen complaints about sidewalks in the residential area not being cleared for safe foot traffic. According to ordinance 5-308 sidewalks need to be cleared within 48 hours after a snowfall or owners can be ticketed with a \$10 fine for each day they are in violation. Property owners are responsible to clear and maintain sidewalks in front of their properties

whether residential or commercial. Village maintenance will clear sidewalks in front of Village properties and the ALA Hall.

On September 27, 2006, the Village Board contracted trash services through Waste Management, LLC which subcontracted to Allied Recycling and Refuse, for a period of 5 years. Allied reserved the right in the contract to increase fees 7% each year and they did. Presently the Village is responsible for the billing and has lost money each year on uncollected bills. The contract stated that after 5 years, the contract would automatically renew for another 5 years, unless contacted in writing 60 days prior to the end of the contract. Vidlak motioned to terminate the trash services contract effective September 26, 2011 and send notice immediately to Waste Management, LLC. 2nd by Chipman. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved. The Board will address trash services in a future meeting.

The USDA notified the Village by letter that we are in violation of three of the terms of our loan agreement with them. The USDA, as conditions of their loan to the Village, requires that a reserve account be set up, and \$2196.00 each year be deposited into it. According to their records, the reserve account should have \$10,980.00 and currently there is \$2120.00 set aside for sewer reserves. Chipman motioned to change the name on the Village's CDBG account at Nehawka Bank to read Sewer Reserve, to deposit the \$2120.00 set aside for the sewer reserve last year, and to earmark the estimated \$9000.00 in utility arrears to be deposited into the above mentioned account, as it is collected. 2nd by Vidlak. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

The second violation cited by the USDA is that the Village agreed to enforce their shut-off policy. Currently, the Board is actively pursuing collection on delinquent accounts and has scheduled shut-offs on Mar. 1 for accounts over \$300 in arrears, and April 1 for accounts under \$300.00.

The third item that needed to be addressed is the mandatory hook –up clause. All properties in the Village are required to be hooked into the sewer system, and there are two properties within the Village limits that still have septic tanks. Chipman suggested drafting a letter to the two property owners requesting that they attend the next meeting to discuss their situation and to come up with a plan to add them on to the sewer system.

The Village of Union received correspondence from the Attorney General's Office requesting

that the Village respond to Ms. McWha's allegations of open meetings act violations . Of the nine instances Ms. McWha cited, we were asked to respond to two, September 9, 2009 and September 8, 2010. During the September 9, 2009 meeting, Ms. McWha personally requested to go into closed session so she could discuss issues concerning her requested resignation in private. The Village Attorney at that time, Ms. Minihan, was present and did not advise the Board of any illegalities of going into closed session, or of any problems legally, during the closed session. The action in question was the vote to accept Ms. McWha's resignation in closed session. It is a violation to vote in closed session, however; the act of accepting a resignation does not require a vote and therefore; not a necessary vote.

In reference to the September 8, 2010 Board meeting, Ms. McWha complained that the agenda item to discuss filing a lawsuit against her was added to the agenda at the meeting, and not 24 hours in advance, a violation of the Open Meeting Act. However, according to our local ordinance, drafted by Ms. Minihan and attested to by Ms. McWha as Village Clerk, it gives the Board authority to add an agenda item at the meeting with a majority vote. If the Village is in violation, the ordinance adopted is unlawful.

Since Chipman is the only trustee still active on the Board from September 2010, he asked permission to draft and send a letter in response to Ms. McWha's complaints. Vidlak motioned to allow Chipman to respond to the Attorney General's Office in reference to Ms. McWha's complaints. 2nd by Chipman. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

Vidlak motioned to adjourn at 8:51 pm. 2nd by Chipman. By roll, Trustee votes are as follows: Hardbarger, Jr.,-Aye, Vidlak-Aye, and Chipman-Aye. Motion approved.

The next regular meeting is scheduled for March 9, 2010.



Dwain Hardbarger, Jr.  
Chairman

Attach: ORDINANCE NOS. § 8-601 TO § 8-610