

January 3, 2024

The Trustees of the Village of Malcolm met on Wednesday, January 3, 2024, at 7:00 p.m. in open session at the Village Hall located at 137 East 2<sup>nd</sup> Street, Malcolm, NE for such business as shall come before said Trustees. Notice of the meeting was in the December 2023 "Clipper" and posted at the Village Hall and on the Malcolm Website on Monday, January 1, 2024.

**ROLL CALL**

Little, Benes, Tarr, Faubion, Lemkau

Absent: none

OPEN MEETINGS LAW is posted and located on the west wall of the Village Hall.

VISITORS PRESENT: Jon Mohr

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the December 6, 2023, meeting, seconded by Tarr. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5– 0.

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the December 11, 2023, meeting, seconded by Benes. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5– 0.

TREASURER REPORT – Little made a motion to accept the treasurer's report for the month of December 2023, with disbursements of \$52,836.56 and deposits of \$144,962.83. Motion seconded by Faubion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

Jon Mohr with LRE was present to discuss the Malcolm Aquifer Analysis Project,

VILLAGE MAINTENANCE REPORT: A report was submitted and received by the Board.

ATTORNEY'S REPORT: A report was submitted and received by the Board.

VILLAGE CLERK REPORT: A report was submitted and received by the Board.

BACKGROUND: Interlocal Agreement with Lincoln Lancaster County Health department: After further discussion, Little made a motion to approve the Interlocal Agreement with the City of Lincoln/Lancaster County Health Department for assistance with nuisance properties and sewer and lagoon permitting and inspections for the Village corporate limits and one-mile jurisdiction. Lemkau seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

Little made a motion to waive the three-reading rule for Ordinance 2024-01. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion: NAY: None; Motion carried 5-0.

BACKGROUND: Ordinance 2024-01 to adopt Lancaster County standards and regulations for the Lancaster County Health Department interlocal agreement: Following the reading of Ordinance 2024-01, Little made a motion to approve Ordinance 2024-01, Benes seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

BACKGROUND: NDEE agreement for the 2023 Source Water Grant assistance: After further review of the agreement, Little made a motion to approve the Intergovernmental Agreement with Nebraska Department of Environmental and Energy (NDEE) for the Malcolm Aquifer Analysis Project. Lemkau seconded the project. Lemkau seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

BACKGROUND: LRE agreement: Little made a motion that after the NDEE Intergovernmental Agreement has been signed by NDEE and the Village, the Village will appoint LRE Water to define the extent and supply of the aquifer currently providing water to the Village, site potential new well locations, provide verification of the 2017 Wellhead Protection (WHP) area and establish a state approved WHP plan, decommission abandoned wells, and provide water conservation tools and education to the public. The assessment will help ensure the aquifer is resourceful to supply the community and provide education on how to increase water conservation in the community. LRE will also partner with Lower Platte South NRD and Miller &

Associates to provide insight on the water system infrastructure and incorporate the well siting findings into other Village documents. Tarr seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

BACKGROUND: Zoning Regulations update: A Request for Proposals (RFP) will be sent to Miller and Associates and Keith Marvin to update the zoning and subdivision regulations for the Village. Currently the Malcolm Municipal Code is structured as a mix of zoning regulations, subdivision regulations and building codes. Jon Mohr has volunteered to be the liaison for the Village on this project.

BACKGROUND: Board of Adjustments – bylaws – elect Chairperson, Vice-Chairperson and Secretary:

Faubion made a motion to appoint the Village Board of Trustees as the Board of Adjustment members. Tarr seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

Lemkau made a motion to appoint Little as Chairman of the Board of Adjustments and Tarr as Vice-Chair for the Board of Adjustments; and to appoint Nadine Link as an honorary member and secretary to the Board of Adjustments. Benes seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

After further discussion and review of the bylaws, Lemkau made a motion to approve the Board of Adjustments by-laws with amendments. Little seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

BACKGROUND: Payment to SENDD for drawdown #4 (Evans and Thomas house): Request for Funds for the owner-Occupied Housing Rehab Program #21-HO-18038: The State of NE transferred \$55,757.09 into the Village of Malcolm account for Project #21-HO-18038 #003 and #005. After further review of the projects, Little made a motion to approve the reimbursement to SENDD and MIT for the work for projects #21-HO-18038, #003 and #005, Faubion seconded the motion. The chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None

BACKGROUND: Building Permit – Amanda Cooper – 310 Malcolm Road – porch replacement: After further review of the building permit, Benes made a motion to approve the building permit for Amanda Cooper to replace the front porch at 310 Malcolm Road. Little seconded the motion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NAY: None; Motion carried 5-0; Members absent: None.

BACKGROUND: Department of Environmental and Energy – Drinking Water Notice: a flyer notifying residents of a minimum disinfectant residual level violation that the Village received from Nebraska Department of Environment and Energy (NDEE) on December 8, 2023, was mailed with their water bills that was sent out the first of January. Disinfectant residuals must be at or above the required minimum residual levels in at least 95% of the monthly samples. Chlorine pumps have been adjusted and the Village is within the required minimum residual levels as of November 27, 2023.

BACKGROUND: Audit/AUP Results: The results of the Audit waiver/AUP were received. The findings letter was given to the Board for their review, and a copy of the AUP report was available for the Boards review. HBE filed the Audit waiver and AUP report with the State Auditor.

BACKGROUND: Viking Industrial Painting – water tower cleaning: After further review of the termination letter with Maguire Iron, and the proposed agreement from Viking Industrial Painting Company, Little made a motion to have Viking Industrial Painting complete the water tower cleaning and inspection in the spring of 2024 and to ask representatives from Viking to attend the Board meeting in February to further discuss a long term contract for the cleaning of the water tower in the future.

The Planning Commission did not hold a meeting in December, due to the holidays.

With no further business to discuss, Little moved to adjourn at 8:48 p.m. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Lemkau, Benes, Faubion; NYE: None; Motion carried 5-0; Members absent: None.

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Nadine Link, Village Clerk