

May 9, 2023

The Trustees of the Village of Malcolm met on Tuesday, May 9, 2023, at 7:00 p.m. in open session at the Village Hall located at 137 East 2nd Street, Malcolm, NE for such business as shall come before said Trustees. The Meeting was held on Tuesday, May 9 due to end of the year activities at the school that prevented a quorum at the original meeting date. Notice of the meeting was in the April 2023 "Clipper" and posted at the Village Hall and on the Malcolm Website on Friday, May 5, 2023.

ROLL CALL

Little, Tarr, Faubion,

Absent: Schweitzer, Lemkau

OPEN MEETINGS LAW is posted and located on the wall as you enter the Village Hall.

VISITORS PRESENT: Dale Nelson, Darwin Eucker, Cory Heidtbrink, Chuck Talbitzer

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the April 5th, 2023, meeting, seconded by. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, NAY: None; Motion carried 3-0. Members absent, Schweitzer, Lemkau

TREASURER REPORT – Little made a motion to accept the treasurer's report for the month of April 2021, with disbursements of \$81,155.69 and deposits of \$90,147.97. Motion seconded by Faubion. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Faubion, NAY: None; Motion carried 3-0; Members absent: Schweitzer & Lemkau.

Lemkau arrived at 7:17.

Cory Heitbrink, Dale Nelson and Darwin Eucker were present to answer questions on the Administrative Plat for the new Fire Station on the corner of 112th & West Bluff Road and to present a Change of Zone Application.

Chuck Talbitzer was present with concerns about the amount of dirt that was brought in and placed on the lot just to the north of his property on Hudkins Road. He is concerned with run off, land movement and drainage. Board will take under advisement.

VILLAGE MAINTENANCE REPORT: Nothing to report.

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: Employee's Handbook, Board discussed the concerns and comments of the revised handbook. The Clerk will make the changes discussed and email the Attorney for his review. This item will be tabled until the Attorney's review is completed.

BACKGROUND: Review Water meter bids: This item will be tabled until the grant review is completed.

BACKGROUND: Review of Ag/Residential codes: After Attorney's review, there were still questions and concerns, after further discussion with the Board, the Attorney should have the final draft by the next meeting.

BACKGROUND: Ordinance 2023-01 – Landlord responsibly for tenant's unpaid utility charges: After further discussion Little made a motion to suspend the three-reading rule for Ordinance 2023-01. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau: NAY: None; Motion carried 4-0. Members absent: Schweitzer.

Following the reading of Ordinance 2023-01, Little made a motion to approve Ordinance 2023-01, an Ordinance of the Village of Malcolm, Lancaster County, Nebraska, relating to obtaining Utility Services when delinquent charges exist; whereas requiring a landlord to guarantee any unpaid utility charges not paid by the tenant. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau. NAY None; Motion carried 4-0. Members absent: Schweitzer.

BACKGROUND: Justin Hladik – Department of Natural Resources: A letter was received from the Department of Natural Resources asking the Village about their surface water rights for the

creek that runs behind the original ball field. At this time, the Board will take no action with the Department of Natural Resources.

BACKGROUND: Resolution 2023-02 – To approve the name of a private roadway and sign at NW 114th Place. After further discussion, Little made a motion to approve Resolution 2023-02 a Resolution to name a new road – 114th Place which will be off of West Bluff Road. This new road will be the access for seven of the 10 lots created from the sale of Oris Haas's property. Faubion seconded the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

BACKGROUND: PFAS Cost Recovery Program: The Department of Environment and Energy's Drinking Water and Groundwater Division is conducting a free screening of all drinking water for per-and polyfluoroalkyl substances (PFAS). Samples will be sent to Pace Analytical Laboratory. This is just a study being conducted at this time.

BACKGROUND: Larry Murray Park sign: The planter that the "Larry Murray Park" sign is in needs to be replaced due to rotting boards. After further discussion Little made a motion to remove the planter and put a sign by the playground area, representing the land Mr. Murray donated for the playground area. Faubion seconded the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

BACKGROUND: Change of Zone – Fire Department land: This item will be tabled until the Fire Department is ready to start building and they have submitted an annexation request.

BACKGROUND: Building Permit – Brian Blair – Dirt moving: Mr. Blair submitted a building permit application for the dirt that was delivered and spread on his lot on Hudkins Road. After further discussion, the Board advised the Village Attorney to draft a letter to Mr. Blair asking for more information for future construction.

BACKGROUND: Resolution 2023-03 signs in Malcom: Resolution 2023-03 is a resolution with an attachment naming all the signs that have been set in the Village Corporate Limits of Malcolm. After further review, Little made a motion to approve Resolution 2023-03, Tarr seconded the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

BACKGROUND: Building Permit – Issac Phillips – extension of existing deck: After review of the building permit and plans to extent an existing deck at 433 Floyd Drive, Little made a motion to approve the building permit, contingent on the Village Inspector's review. Faubion second the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

Recommendation 417 – Administrative Plat – Fire Department: After review of the Planning Commission Recommendation, plat and map, Little made a motion to approve the Administrative Plat for the Malcolm Volunteer Fire Department for 5.05 acres of land on the northeast corner of 112th & West Bluff Road for a new fire station to be built in the near future. Lemkau seconded the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Faubion, Lemkau; NAY: None; Motion carried 3-0; Members absent: Schweitzer. Member abstained: Tarr.

Recommendation 418 – Building Permit – NW Community Church – new addition: After review of the Planning Commission Recommendation, building permit and plans, Little made a motion to approve the new addition for the Northwest Community Church contingent on the existing septic tank. Faubion seconded the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

Recommendation 419 – Building Permit – Jon Mohr – pop out window/to replace existing door: This permit will be tabled until the June meeting, revised plans will be submitted by then.

Recommendation 420 – Building Permit – Randy Wobig – two more storage sheds on NW 112: After review of the Planning Commission Recommendation, building permit and plans Little made a motion to approve two more storage buildings at 9515 NW 112th. Lemkau seconded the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

Recommendation 421 – Building Permit – Ryan Schultz – Tuff Shed; After review of the Planning Commission Recommendation, building permit and plans, Little made an motion to

approve the building permit for a tuff shed at 276 South Exeter. Faubion seconded the motion. The Chairperson called for a vote, recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer.

With no further business to discuss, Little moved to adjourn at 9:47 p.m. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NYE: None; Motion carried 4-0; Members absent: Schweitzer.

Nadine Link, Village Cler