**Village Of Manley**
**Board of Trustees Regular Meeting**
**October 13, 2022**

The Regular Meeting of the Village of Manley Board of Trustees was called to order on October 13, 2022 by Board Chairman, Denise Swenson at 7:01 PM. The Pledge of Allegiance was recited and roll call was taken. Members present were: Denise Swenson, Tim Glas, Patricia Gruber, Rebecca Goble along with Village Clerk Jessica Tummons, Maintenance Supervisor, Mickey Dalton and two (2) guests. PTapp was excused. A copy of the Open Meeting Act is posted in the meeting room for review. The Code of Conduct for Municipalities was read by Board Chairman Denise Swenson. Notice of this meeting was posted on the Village website and in the bulletin boards at the Fire House & Post Office.

**Agenda** – Motion to accept the consent agenda items made by PGruber, Seconded by RGoble. Roll Call Vote: All in favor. Motion carried.
Consent Agenda items approved:
* September 2022 **Meeting Minutes**
* September 2022 **Correspondence** – (none)
* September 2022 **Water Clerk's Report**
* September 2022 **Treasurer's Report**
* September 2022 **Village Clerk's Report**
* September 2022 **Maintenance Supervisor Report** –
* September 2022 **Misc Monthly Reports –**

**Water Specialist** - Jack Faubion -
September: Total coliform absent, meets bacteriological standards. E. Coli absent
**Wastewater Specialist** – Ed Blunt
Sep 4, 2022 – Checked the lagoons. Lots of duck weed.
Sep 18, 2022 - Checked the lagoons. Lots of duck weed.
*Due to lack of rain the finishing pond is very low and will not need to discharge this year.
**811 Digger Calls** – MDalton
Nine (9) request for September
**Community Center Rentals** – JTummons
Thursday November 24, 2022
Sunday, January 1, 2023
Friday January 13-15, 2023
Saturday, June 25, 2023

**Remaining Reports**
***Claims** – *Black Hills Energy* - $70.04; *OPPD* - $223.03; *Windstream* for CommCtr - $106.43 and Fire House - $98.87; *WireBuilt* - $50.00; *Mickey Dalton* for September Maintenance Supervisor-$544.10; *Jessica Tummons* for September Village Clerk –$600.28; One Call Concepts - $16.76; Nebraska Department of Labor - $25; Meeske Hardware (purchase of hydrant& Cement Mixer) - $337; Lee Enterprises (budget hearing notice) - $53.86; *Papillion Sanitation* for October fee - $24.00; Burr & Associates (budget prep) - $450; *Drop In Portables* For October service - $110; *Jolene Dalton* - $24.89 for laminating sheets; United States Treasury (3rd qtr payroll taxes) - $576.74; DHHS (water testing) - $15; *Manley Hwy Acct for matching funds trsf* from Water Acct-$174.00; Water account transfer to Sewer account for portion of Sales/Use tax - $22.39; OPPD (water)- $33; *RWD #3* for water-$1,198.75; *Jack Faubion* for October water postage & Fees-$127.40; *Manley Hwy Acct for matching funds trsf* from Sewer Acct-$174.00; Nebraska Department of Labor (3rd qtr sales/use tax) - $447.73; OPPD (sewer) - $41.38; *Ed Blunt* for September wastewater specialist-$175.00; OPPD (Highway) - $306.54; *M & N Investments* - $16.52; CherryRoad Media (PTV AD) - $858.23; Cassgram (PTV Ad) - $211; Mickey

Dalton (PTV ice & wood for picnic shelter) - $61.13; *Manley Community Center Acct for purchase of Hydrant trsf to General - $187*

Discussion re: purchase of Cement mixer and hydrant by DSwenson. Purchases were made during a sidewalk sale. Small cement mixer is for general use; Hydrant for use by tennis courts. After discussion board decided to pay for hydrant from the Community Center account. Motion to move funds from Community Center account to general for payment of Hydrant made by RGoble, seconded by TGlas. Roll call vote: All in favor. Motion carried.

After discussion motion to accept the amended claims adding the transfer of funds made by RGoble. Seconded by TGlas. Roll call vote: All in favor. Motion carried.

Yearly Remuneration for Board members:
Motion to pay DSwenson was made by TGlas, Seconded by PGruber. Roll call vote: Voting in favor: TGlas, PGruber, and RGoble. DSwenson abstained. Motion carried.

Motion to pay TGlas was made by PGruber, Seconded by RGoble. Roll call vote: Voting in favor: RGoble, PGruber, DSwenson. TGlas abstained. Motion carried.

Motion to pay PGruber was made by TGlas, Seconded by DSwenson. Roll call vote: Voting in favor: DSwenson, RGoble, TGlas. PGruber abstained. Motion carried.

Motion to PTapp and RGoble was made by TGlas, Seconded by PGruber. Roll call vote: Voting in favor: DSwenson, TGlas, and PGruber. RGole abstained. Motion carried.

**Unfinished Business**
***Nuisance Violations** –*106 Broadway, 103 N Elm, & 105 Locust* – BOH has revisited and will submit a new report.
*105 Locust* – waiting of BOH report
*106 Locust* – Double check with resident on removal date
*108 Locust* –Resident has been working on clean up and removal of vehicle.
*116 Cherry* – Resident has cleaned up part of the problem. Will continue to monitor for progress
*204 Main* – Need to send notice
*106 Broadway* – waiting on BOH report
*103 N Elm* - waiting on BOH report
Discussion of 2 more possible nuisance violations but need report a concern reports to have on file.

**Report a concern forms are located at the Post Office and can be obtained in the Village office or via email by request.**

***Building Permits –** 106 Broadway has been working on adding onto shed on the property. Building Permit was not obtained. Structure needs to be removed until inspection can be completed by the zoning administrator. Letter to be sent to resident.

214 Cherry St – remodel for plumbing & electrical. Building permit is not required by Village for inside residence. Resident DSwenson is optioning to get a permit anyways through the village. Motion to approve permit pending approval of inspection made by TGlas, seconded by RGoble.Rol call vote: DSwenson abstained. Voting Yes: RGoble, TGlas, PGruber. Motion carried.

***Community Center Rentals –** Next rental is November 24. RGoble provided bid for cleaning of the floors. Board members to get a couple bids and come back with for next meeting.

***Committee to review Village Ordinances & IPMC book/fees** – Table until January 2022.
***Asphalt repair**– Waiting for spring. MDalton will notify Pave LLC of plans to wait.
***Insurance Renewal** – Still no bid from the 2nd company received. RGoble didn't think it would be prepared prior to current insurance running out therefore suggesting board change to LARM. DSwenson discussed options available from LARM for terms of insurance. Motion made by TGlas to accept LARM as the new company and become a member, DSwenson seconded his decision. Roll call vote: All in Favor. Motion carried.
-Letter needs to be drafted for previous company informing of new decision.
TGlas motions for 3 Yr/180 day notice canellation with a 5% discount of price option which was seconded by PGruber. Roll call vote: All in favor. Motion carried
DSwenson read resolution 22-07

League Association of Risk Management
2022-23 New Resolution
RESOLUTION NO. 22-07

WHEREAS, The Village of Manley is a member of the League Association of Risk Management (LARM); WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and
WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.
BE IT RESOLVED that the governing body of The Village of Manley Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agPrees to:
Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2025. (180 day and 3 year commitment; 5% discount)
Adopted this 13th day of October, 2022.

Motion to accept resolution 22-07 made by TGlas, seconded by RGoble. Roll call vote: all in favor. Resolution signed into effect.

***Schmidt Case** – Hearing was on Sept 26. Attorney as for a dismissal based on appeal being served on the Attorney rather than appropriate party. Judge gave Schmidt's another change to get the service correct.

Schmidt's asked after court if there was a way to settle out of court. Advised by attorney to send a letter. DSwenson read letter asking for the Village of Manley to settle out of court by providing and immediate special use permit to allow them to live in the property.

Motion by TGlas for a closed session to discuss and PGruber seconded. Roll call vote: All in favor. No decisions can be made in closed session on discussion. Board went into closed session at 7:58 p.m.

Motion by TGlas and seconded by RGoble at 8:06 to reconvene meeting. Roll call vote: all in favor. Motion carried.

Motion made by TGlas to decline settlement offer from Schmidt's and seconded by RGoble. Roll call vote: All in favor.
DSwenson was served with the appeal paperwork on October 7, 2022. This paperwork has been forwarded to the Village Attorney. Board will continue to wait for next hearing date which hasn't been set yet.

***Audit Committee Meeting** –DSwenson made a motion to accept the audit committee report and RGoble seconded. Roll call vote: all in favor. Motion carried. Clerk explained all bill due dates have been adjusted to keep anything from coming out of the account prior to being approved at a Board Meeting in the future. Board asked for all documents to be adjusted according to the report and be presented at next meeting.

**New Business**
***Drop In Portables** – Have drop in removed prior to Halloween if possible. Will revisit in March to have one returned at same discussion as mowing.

***Snow Removal** – Village will need to hire someone new for Village plowing needs. Plow truck is provided by the village Anyone interested can send application to clerk email at clerk@manleyne.com.

Motion to offer $20/hr made by TGlas and seconded by PGruber. Roll call vote: Voting Yes: DSwenson, TGlas, PGruber. RGoble abstained.

***Open Meetings Act** – Table for next month

***Cement Mixer & Hydrant** – Discussed during claims.

**Public Forum**
-PTV Meeting to be held at 6PM on 11/3/22.
-Add back to agenda to open PTV checking account for November
-MDalton discussed having sewer jetted on 10-13-22. There were roots removed from 1 line.
-Anytime there is an 811 digger call a Village of Manley employee/Board member will have to access the property to mark the utility lines just as Electric or Gas companies do. This is for the safety of the homeowner so that village utilities are not damaged during work on your property. Please be courteous.

**Adjournment** - TGlas moved & DSwenson seconded to adjourn the meeting at 8:54 PM. Roll call vote: All approved. Motion carried.

Jessica Tummons
Village Clerk

11-10-22
Date of Approval

*Copies of the minutes and reports are on file at the Manley Village Office and are available for review upon request. Minutes of the meeting can also be viewed at www.manleyne.com.
*In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, disability, marital or familiar status. (Not all prohibited bases apply to all programs.)