Village Of Manley
Board of Trustees Regular Meeting
March 11, 2021

The Regular Meeting of the Village of Manley Board of Trustees was called to order on March 11, 2021 by Chairman Denise Swenson at 7:05 PM. The Pledge of Allegiance was recited and roll call was taken. Members present were Denise Swenson, Tim Glas, Rebecca Goble & Patricia Gruber, along with Village Clerk Jolene Dalton, Streets Maintenance Supervisor Adam Goble, new Village Clerk Jessica Tummons & 1 guest. Board member Phillip Tapp 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 Chairman DSwenson. Notice of this meeting was posted on the Village website and in the bulletin boards on the Fire House & Post Office.

Agenda After a request to pull out the Water Clerk's Report, TGlas moved & RGoble seconded to approve the amended Agenda. Roll call vote: All approved. Motion carried.
Consent Agenda items approved:
*February 11, 2021 **Minutes**
*February 2021 **Correspondence** – (none)
*February 2021 **Treasurer's Report**
*February 2021 **Village Clerk's Report** - Met with Cheryl Jones (& then Irina Harrington via phone) regarding position of Website newsletter editor; Received notice from Cass County Tourism that we have been awarded a $2,295.00 Marketing Grant for *Pillage the Village*; Received letter from State Auditor's Office that our Audit Waiver Request has been approved; Held Pet Licensing day on Saturday, February 27th. As of the writing of this report, we have issued 38 licenses. Sent reminder letter to 18 residents who licensed animals last year but haven't done so yet; Gave Community Center Rental file to Pat Gruber. All rentals will go thru her now; Gathered & sent all documents necessary for the imposition of the Manley ½% sales tax to the State Dept of Revenue. Received letter from the Dept of Revenue that they received all the necessary documents & our ½% sales tax will go into effect on July 1, 2021; Worked with Rebecca Goble to set up the Manley Clerk's Google Drive account; Replaced the office printer with the new one. Thank you to Adam Goble & Tim Glas who helped install the programming; After talking with our IT consultant, renewed our Bitdefender anti-virus subscription; Received thank you note & membership certificate to hang on the wall from Keep Cass County Beautiful for renewing our Gold membership; Requested & received application form for a Berneice Hopper Private Foundation Grant. Working with DSwenson & MDalton to fill out & submit for the Maintenance Building Heating Project by April 2, 2021 deadline.
*February 2021 **Misc Monthly Reports –**
Water Specialist - Jack Faubion
The results of the water sample for the month of March had no violations.
Wastewater Specialist – Ed Blunt
2/12 – Checked lagoons. Could not get to the pumps due to snow banks.
2/22 – Checked lagoons. Found flow meter still not working - maybe call electrician.
811 Digger Calls – MDalton
Three requests this month (one later cancelled & rescheduled). Worked with plumber at 204 Broadway site.
Village Vehicles – Adam Goble
2/13/21 - Tractor was overheating; topped off coolant; is working better now.
Plow truck battery was frozen; replaced battery but spreader was in a bind. Had to hand unload box to clean out track for rock to flow properly.
Planning & Zoning Virtual Training 3/12/21 – DSwenson, Maint Super MDalton & RGoble (1/2 day) will attend.

*February 2021 **Water Clerk's Report**
Discussion was held on the 220 Main delinquent account. The Board agreed to have a notice put on their door tomorrow morning saying their water will be shut off tomorrow evening unless payment has been received.

TGlas moved & RGoble seconded to approve the Water Clerk's Report. Roll call vote: All approved. Motion carried.

Remaining Reports

***Claims** – Black Hills Energy for CommCtr-$220.02 & Fire House-$176.83; DHHS for water testing-$15.00; OPPD for CommCtr-$88.16, Fire House-$93.08, Sewer-$43.34, Water-$56.90 & Street Lights-$438.90; RWD #3 for water-$1,182.50; Windstream for CommCtr-$97.16 and Fire House-$100.02; WireBuilt for website maint-$50.00; Manley Hwy Acct for matching trsf from Sewer Acct-$138.00 & Water Acct-$138.00; JDalton for Feb Village Clerk-54-1/2 hr-$675.89; MDalton for Feb Maintenance Supervisor-$554.10; JFaubion for Mar water wages & postage-$126.75; EBlunt for Feb wastewater specialist-$175.00; JDalton for postage & anti-virus renewal-$32.84; Postmaster for stamps-$55.00; Meeske Auto Parts for truck battery-$126.99; M&N Investments for tractor fuel-$41.47; Randy Abbott for snow plowing-2-1/2 hrs-$37.50; MDalton for water meter replacement parts-$34.69; DSwenson for weather radio & Planning Seminar registration-$75.99; and Denise Swenson for sander battery tender-$24.98.
TGlas moved & RGoble seconded to approve the Claims. Roll call vote: DSwenson-abstain, TGlas-yes, RGoble-yes, PGruber-yes. Motion carried.

Public Hearing was opened at 715 PM. DSwenson read proposed

ORDINANCE 21-02

AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, TO ADOPT AND IMPOSE ATV/UTV/GOLF CART REGULATIONS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MANLEY.

WHEREAS**,** the Village of Manley is a governmental subdivision of the State of Nebraska, and the Chair and Board of Trustees thereof is its governing body, and

WHEREAS, the Chair and Board of Trustees of the Village of Manley, Cass County, Nebraska, do desire to enact regulations permitting and controlling the operation of all-terrain vehicles, utility-type vehicles and golf carts upon the public streets of the Village of Manley, Cass County, Nebraska, which are not defined by Neb. Rev. Stat. 60-339 as motor vehicles,

BE IT ORDAINED BY THE VILLAGE BOARD CHAIRMAN AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, NEBRASKA:

Section 1: Definitions

1. "All-terrain vehicle" means any motorized off-highway vehicle which (a) is 50 inches or less in width, (b) has a dry weight of 900 pounds or less, (c) travels on three or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or and other steering assembly for steering control.
2. (a) "Utility-type vehicle" means any motorized off-highway vehicle which (i) is not less than 48 inches nor more than 74 inches in width, (ii) is not more than 135 inches, including the bumper, in length, (iii) has a dry weight of not less than 900 pounds nor more than 2000 pounds, (iv) travels on four or more low-pressure tires, and (v) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.
(b) "Utility-type vehicle" does not include all-terrain vehicles, golf carts, golf car vehicles or low-speed vehicles.
3. "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Section 2: Regulations

1. Any resident desiring to operate an all-terrain vehicle, utility-type vehicle or golf cart on the public streets within the corporate limits of the Village shall get a permit from the Clerk at the Village Office. A valid permit shall be displayed at all times on the vehicle.

a. In order to obtain a permit the applicant must make an annual application therefore at the Village office and provide the following information:

i. Name and address of the applicant;

ii. Proof of insurance for the all-terrain or utility type vehicle(s) to be operated within the Village by the applicant;

iii. Valid operator's license issued by the State of Nebraska; and,

iv. Year, make, model, color, engine size, and vehicle identification number (VIN) of the all-terrain vehicle or utility type vehicle(s) to be operated within the Village by the applicant.

b. Upon compliance with Section (2)1a herein, and payment of an application fee of $15.00 for initial permit and a $10.00 annual renewal fee, which fees may be amended from time to time by resolution of the Village Board, the Clerk shall issue the applicant a permit to operate the designated all-terrain vehicle, utility-type vehicle or golf cart within the corporate limits of the Village. A numbered colored permit will be issued new each year.

c. Permits to operate all-terrain vehicle, utility-type vehicle or golf cart shall be valid from the date of issuance until midnight on the 31st of December of the year for which the permit is issued. Permit fees are not prorated.

2. An all-terrain vehicle, utility-type vehicle or golf cart may be operated only between the hours of sunrise and sunset unless equipped with lights on the front and rear of the vehicle and an operating horn. A utility-type vehicle shall not be operated at a speed in excess of 25 miles per hour. When operating an all-terrain or utility-type vehicle as authorized in Section 1, the headlight and taillight of the vehicle shall be on and the vehicle equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

3. Any resident operating an all-terrain or utility-type vehicle as authorized in Section (2)1 shall have:

a. A valid Class O operator's license or farm permit as provided in Neb. Rev. Stat. 60-4,126; and

b. Liability insurance coverage for the vehicle while operating the vehicle on street or highway. The person operating the utility-type vehicle shall provide proof of such insurance coverage to any Board trustee requesting such proof within five days of such a request.

4. Every all-terrain or utility-type vehicle shall be equipped with:

a. A brake system maintained in good operating condition;

b. An adequate muffler system in good working condition;

c. A lap belt, shoulder belt, or any combination thereof that restrains the driver and passengers and that conforms to federal motor safety standards for passenger restraint systems applicable for the utility-type vehicles model and year;

d. Helmets shall be worn by all participants on vehicles that are not equipped with a lap belt, shoulder belt or combination or door coverings;

e. A United States Forest Service qualified spark arrester.

5. No resident shall:

a. Equip the exhaust system of an all-terrain or utility-type vehicle with a cut-out, bypass or similar device;

b. Operate an all-terrain or utility-type vehicle with an exhaust system so modified;

c. Operate an all-terrain or utility-type vehicle without requiring every person in the vehicle to be seated in a permanent seat in which the driver and all passengers are adequately restrained by a lap belt, shoulder belt or combination thereof that restrains the driver and passengers and that conforms to federal motor safety standards for passenger restraint systems applicable for the vehicle's model and year; and

d. Operate a vehicle with the spark arrester removed or modified.

6. Golf carts need to apply for an annual permit and must have a safety flag that extends not less than five (5) feet above ground attached to the rear of such vehicle.

7. Go-carts are prohibited on the Village of Manley streets.

8. Safety flags that extend not less than five (5) feet above the ground attached to the rear of the all-terrain vehicles, utility-type vehicles and golf carts must be visible at all times. The owner of such vehicles will get one warning to get and attach a flag.
A citation will be warranted for two or more offenses.

Section 3: Effective Date
This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.
This ordinance will be published in pamphlet form.

TGlas moved & PGruber seconded to waive the three readings of the proposed Ordinance 21-02. Roll call vote: All approved. Motion carried.
After discussion & edits, TGlas moved & RGoble seconded to approve the adoption of Ordinance 21-02 as read & amended. Roll call vote: All approved. Motion carried.

DSwenson read proposed **ORDINANCE 21-03**
AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA TO ADOPT AND IMPOSE ANIMAL LICENSING AND FEES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, NEBRASKA:

Section 1: Licensing
All dogs and cats, 6 months and older, and special use permit animals must be registered and licensed yearly. Registration begins on January 1 of each year and is delinquent on March 15. Owners/animals who come into the Village of Manley will have a thirty (30) day grace period to register. Registration fees are not prorated. The license expires on December 31 of said year.

Section 2: Fees
The Village Board of Trustees will set the Licensing Fee, Special Use Permit Fee, Violation Fees and Late Fees at the December regular meeting of the year preceding the licensing.

At-large violation fees will be determined for each offense. Upon the 4th offense, the animal may be escorted to the Humane Society to be forfeited.

Service animals will be exempt of fees upon proof of Service. Registration and proof of vaccinations are required for such animals.

Vicious and dangerous animal fines will be incurred for each animal once it is verified of such offense. The animal owner will also be responsible for the cost of a special Board of Trustees hearing if needed.

Section 3: Vaccinations

All licensed animals must be vaccinated for rabies by a licensed Veterinarian and a copy of the Proof of Rabies Certificate must be provided to the Village Clerk. Without the Certificate, the animal license will not be issued. Registered animals must wear the provided ID tags once issued.

Section 4: Effective Date
This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

RGoble moved & PGruber seconded to waive the three readings of the proposed Ordinance 21-03. Roll call vote: All approved. Motion carried.
After discussion & edits, TGlas moved & PGruber seconded to approve the adoption of Ordinance 21-03 as read & amended. Roll call vote: All approved. Motion carried.

DSwenson read proposed **ORDINANCE 21-04**
AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, TO ADOPT AND IMPOSE EMERGENCY SNOW REMOVAL REGULATIONS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MANLEY.

WHEREAS, the Village of Manley is a governmental subdivision of the State of Nebraska, and the Chair and Board of Trustees thereof is its governing body, and

WHEREAS, the Chair and Board of Trustees of the Village of Manley, Cass County, Nebraska, do desire to enact regulations for Emergency Snow Removal in the Village of Manley, Cass County, Nebraska,

BE IT ORDAINED BY THE VILLAGE BOARD CHAIRMAN AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, NEBRASKA:

Section 1. Snow Emergency Declaration
A. A snow emergency is defined as a special condition of a snowfall event requiring residents to move their vehicles off the streets to accommodate efficient emergency snow removal.

B. A snow emergency declaration allows for the towing of vehicles from the streets during a snow emergency. A snow emergency is normally declared after a measurable snowfall of two (2) inches or more; however, any amount of snow combined with ice, rain, and/or wind can also require a snow emergency to be declared.

C. A snow emergency may be declared in advance of an anticipated storm, to start at a specific time; or a snow emergency may be declared anytime during or after a storm. A snow emergency will normally not last more than 72 hours past the end of the last snowfall.

D. That a snow emergency has been declared will be communicated to the public through mass media outlets as deemed appropriate.

Section 2. Driveways and Snow Removal from Private Property
A. The Village snowplow will not clear private driveways. The snow placed in driveways by the Village snowplow is a natural result of clearing the streets and is the responsibility of the property owner to remove.

B. Snow from a private driveway, private sidewalk, business parking lot, or parking lot may not be placed on the Village street.

C. The Village snowplow will remove or push snow from private property or businesses only to allow emergency vehicles access to the private property for ambulance, fire or sheriff calls.

Section 3. Vehicle Towing During Declared Snow Emergencies
Vehicles parked on the streets during a declared snow emergency are subject to tow without notice to the owners and at the owner's expense. In addition, if a vehicle is left on a public street or alley in such a fashion as to hinder snow removal, that vehicle may be towed at the expense of the owner of the vehicle, provided that an attempt was made to contact the owner to have the vehicle moved; and that either the owner could not be located or, if the owner was contacted, that the owner of the vehicle failed to move the vehicle within fifteen (15) minutes after being contacted.

Section 4. Violation of Vehicles Parking During Emergency Snow
A violation of this ordinance shall be punishable by a fine of fifty dollars ($50.00) per incident.

Section 5. Effective Date
This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

TGlas moved & RGoble seconded to waive the three readings of the proposed Ordinance 21-04. Roll call vote: All approved. Motion carried.
After discussion & edits, PGruber moved & RGoble seconded to approve the adoption of Ordinance 21-04 as read & amended. Roll call vote: All approved. Motion carried.

The Public Hearing was closed at 7:47 PM.

Unfinished Business
Building Permits – DSwenson & TGlas talked with the resident at 112 Cherry Street. Since the remodeling work did not change the footprint, it was decided no permit was needed.
After discussion, TGlas moved & PGruber seconded that the Board affirm the building permits granted by our Zoning Administrator, DSwenson, to Randy Abbott for an outside stairway and to Mike Jensen for a storage building. Roll call vote: All approved. Motion carried.

Nuisance Violations – Numerous residences were discussed with nuisances that need to be attended to: 112 Cherry (car in yard), 105 Locust (vacant & vehicle), 219 Main (tires & vehicles, needs address on garage), 212 Broadway (vehicles), 109 North (election signs still in yard), 202 Cherry (vehicle), 201 Locust (vehicle), and 220 Main (excess of cars &, if using as an apartment, needs to be designated as such). Violations at 106 Broadway were referred to the Village attorney but, because most of the notifications with the resident were verbal, he said we do not have enough documentation at this time. DSwenson will write another letter to the owner & make some recommendations.

Animal Violations – The refusal by the owner at 106 Broadway to license her dog was turned over to the Village attorney. He said the licensing for 2020 was now expired.

Park projects –
*Park Benches – The Board is still working on the design of the benches.
*Picnic Shelter & Playground – The donor plaques for the picnic shelter & picnic tables are in & will be installed. The plaque for the playground is larger & Center Trophy said they were unable to make it. TGlas & MDalton will work on getting one.
The Board agreed on a brown color for the picnic shelter columns. When the weather allows, painting the west gable will be finished. MDalton met with PTapp to discuss lighting for the picnic shelter. PTapp will get the materials & start work on that as soon as the weather allows.
The pile of mulch in the playground will also get spread around when the weather allows.

Village Generators – PTapp, unable to attend tonight's Board meeting, sent some suggestions for generators. PTapp, TGlas & MDalton were directed to decide on what would be best for the Village & purchase them.

Hiring New Clerk– Two applications were received for the position but one was withdrawn at the last minute because the applicant had accepted another job. DSwenson, TGlas, RGoble & JDalton interviewed one applicant & are recommending the Board hire her. After discussion, TGlas moved & RGoble seconded to approve the Interview Committee's recommendation and hire Jessica Tummons as the new Manley Village Clerk at $12.00/hour and retain JDalton for as much time as needed for training at the Board Chairman's discretion. Roll call vote: All approved. Motion carried.

Village Equipment, Maintenance Building Heater –
DSwenson purchased a weather radio for the Village to be kept in the Furnace Room with the other tornado/weather shelter items.
MDalton & AGoble met with two contractors regarding a heater in the Maintenance Building. The goal would be to keep the building at 45-50 degrees in the winter. The building would have to be insulated. MDalton got an estimated insulation cost of $7,000-$10,000 from Builder's Supply in Omaha. At this time, some grant money would be needed to make this project possible. JDalton will work with DSwenson & MDalton to submit a Berneice Hopper Private Foundation Grant application for this project.

Village Google Drive – This is simply a source to store documents. RGoble helped JDalton set up the Village Clerk's account & will work with any Board member to do the same.

New Business
A *Pillage the Village* meeting was set for Monday, April 12th at 7:00 PM at the Community Center.

2021 Village Mowing – Because the Board is satisfied with his work, they agreed to hire Mowen Owen (Owen Kunz) to mow the Village properties again this year if the price is the same as last year. DSwenson will contact him.

The General Fund CD at Farmers & Merchants Bank is maturing today. JDalton presented current CD rates. After discussion, TGlas moved & PGruber seconded that the $5,000.00 General Fund CD be re-invested at Farmers & Merchants Bank for 17 months at .40%. Roll call vote: All approved. Motion carried.

Public Forum
DSwenson reported that the house at 8515 160th Street has unofficially been sold. The house has a well & there are no problems currently but the selling residents inquired about the cost to hook up to the water main if needed in the future. DSwenson has been getting them the information they need.

Some of the Main Street chip seal rock has ended up in yards after the snow plowing & melting. MDalton & AGoble will work on getting it out of the grass.

A compliment & appreciation was received from Richard Fox (306 Locust) regarding the snow plowing this winter.

Having been previously adopted by the Village, TGlas mentioned that the IPMC (International Property Maintenance Code) book needs to be looked at & applicable parts gleaned for our Village use. He volunteered to get a committee together to do so.

The Spring CleanUp was scheduled for the weekend of June 5th. JDalton will call Papillion Sanitation to reserve those dates for two dumpsters.
A date for the Spur CleanUp will be scheduled next month.

MDalton went over a couple of items from his Maintenance Supervisor report. After asking if the Board would like an oral or written report, it was agreed that he should submit a written report but also be put on the agenda to go over any items he felt needed to be mentioned & allow for any input from the Board.
After the breakage of the water main on South Street, the Board gave him permission to have a box of repair parts on hand if ever needed in the future. This would save repair time & mileage.
He discussed with the Louisville Maintenance Department using sand &/or salt on the streets during the winter. They recommended a sand & salt mixture and would be willing to let us use some of theirs.
The Board gave permission for AGoble to help him with the lagoons tree work once again this year.
He has scheduled an electrician to look at the flow meter at the lagoons as Ed Blunt suggested.

Adjournment TGlas moved & PGruber seconded to adjourn the meeting at 9:05 PM. Roll call vote: All approved. Motion carried.

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Jolene Dalton
Village Clerk

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.)