

**Village Of Manley
Board of Trustees Regular Meeting
October 8, 2020**

The Regular Meeting of the Village of Manley Board of Trustees was called to order on October 8, 2020 by Chairman Denise Swenson at 7:01 PM. Roll call was taken and members present were Denise Swenson, Mickey Dalton, Tim Glas, and Rebecca Goble, along with Village Clerk Jolene Dalton, Streets Maintenance Supervisor Adam Goble & two guests. Board member Adam Zierott will be late. 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 Minutes, T Glas moved & M Dalton seconded to approve the amended Agenda. Roll call vote: All approved. Motion carried.

Consent Agenda items approved:

*September 2020 **Correspondence** – The Lower Plate South NRD Multi-Jurisdictional Hazard Mitigation Plan – May 2020 for Manley & the entire District was received & is on file.

*September 2020 **Water Clerk's Report**

*September 2020 **Treasurer's Report**

*September 2020 **Village Clerk's Report** - Received the Village bulletin board key from Leonard Stohlmann that was checked out to Betty Meyer. Have recorded such on BMeyer's Key Log page; Wired money for Sewer Bond payment on October 1st; Sent copies of Budget to State Auditor & Cass County Clerk; Filed 3rd Qtr Payroll Tax Forms (Federal & SUTA)

*September 2020 **Misc Monthly Reports** –

Water Specialist - Jack Faubion

The results of the water sample for the month of September had no violations.

Wastewater Specialist – Ed Blunt - (no report)

Water Meters – Mickey Dalton & Adam Goble

Progressing as time allows. 3 meters replaced this past month.

811 Digger Calls - Received 10 locate requests this month. None required marking.

Street Work – Mickey Dalton

For the record, Asphalt Specialists also crack filled the cement streets & Manley Lane.

New Playground – Mickey Dalton

Dan from Eric Crouch Recreation came & helped lay out the playground. Grading was done in the playground area with a little left to be done on the west edge. The 29 footings were dug and the two main poles were set in concrete.

Street signs – Mickey Dalton – Just waiting on the sign order...

*September 10, 2020 Regular **Minutes** – After a correction was made regarding a building permit, T Glas moved & R Goble seconded to approve the Minutes. Roll call vote: All approved. Motion carried.

Remaining Reports

***Claims** – Black Hills Energy for CommCtr-\$23.73 & Fire House-\$23.73; DHHS for water testing-\$15.00; OPPD for CommCtr-\$118.70, Fire House-\$69.44, Sewer-\$45.83, Water-\$33.00 & Street Lights-\$270.34; RWD #3 for water-\$1,130.00; Windstream for CommCtr-\$96.50 and Fire House-\$99.47; WireBuilt for website maint-\$50.00; Manley Hwy Acct for matching trsf from Sewer Acct-\$161.00 & Water Acct-\$161.00; JFaubion for Oct water wages & postage-\$126.75; EBlunt for Sept wastewater specialist-\$175.00; Ball Insurance for qtrly premium & annual workman's comp insurance-\$2,028.00; NE Dept of Revenue for 3rd Qtr Sales Tax-\$641.52; Manley Water Acct for trsf from Sewer Account for 3rd Qtr Sales Tax-\$369.39; One Call Concepts for 3rd Qtr digger calls-\$16.91; US Treasury for 3rd Qtr P/R taxes-\$338.03; Mowen Owen for Sept mowing-\$280.00; J.P. Cooke Co for animal license tags & rings-\$39.40; Meeske Hardware for orange marking paint-\$6.29; Meeske Hardware for sign posts & hardware-\$144.82; M&N Investments for tractor fuel-\$23.41; M Dalton for Playground

auger rental-\$143.97; AGoble for playground cement-\$36.80; JDalton for Sept Village Clerk-49-1/4 hr-\$567.67; JDalton for postage & CC toilet paper-\$25.78; MDalton for Sept lagoon mowing & spraying-\$172.50; and 2019-20 Board member remuneration: DSwenson-\$420.00, MDalton-\$420.00, TGlaser-\$420.00, RGoble-\$420.00 & AZierott-\$300.00.

(Because the Board remunerations are a previously approved claim, they are just listed here for information purposes.)

TGlaser moved & DSwenson seconded to approve the Claims with the exception of the 4 Dalton Claims. Roll call vote: DSwenson-yes, MDalton-yes, RGoble-abstain, TGlaser-yes. Motion carried.

DSwenson moved & TGlaser seconded to approve the 4 Dalton Claims. Roll call vote: DSwenson-yes, MDalton-abstain, RGoble-yes, TGlaser-yes. Motion carried.

Unfinished Business

Building Permits –

After discussion, MDalton moved & RGoble seconded that the Board affirm the building permit granted by our Zoning Administrator, DSwenson, to Dan Weeks for a lean-to. Roll call vote: All approved. Motion carried.

DSwenson presented an application from Windstream for a fiber overlay throughout the Village. After discussion, TGlaser moved & MDalton seconded that the application be approved. Roll call vote: All approved. Motion carried.

(Board member AZierott arrived.)

Discussion was held on the replacement of a cement stoop at 217 Locust. It was agreed that a building permit is not required because the square footage will not be increased.

Nuisance Violations – Various Board members have talked with the property owners at 220 Main, 112 Cherry, 106 Broadway, 111 Broadway, 106 Locust & 201 Locust about violations on their properties. DSwenson found out, since the Village has been trying to deal personally with these people (rather than sending them letters), there was no documentation to take to the attorney. Board members need to record when they talk to a resident about a situation that needs to be addressed. Letters of the nuisance need to be sent to the resident.

Park projects –

*Picnic Shelter – handicap sidewalk will be laid when other playground cement work is being done.

*Playground – Footings have been dug, the 2 main poles have been cemented in, and the structure is scheduled to go up this Saturday (October 10th). Several Village residents have volunteered to build the playset. The playground certified wood chips will be ordered from Crouch Recreation & laid when they arrive.

*Park Benches – AZierott has a contact to make the benches. DSwenson has a contact to powder coat them.

*Trash can lids – RGoble has been doing research & found Uline is the best option. AZierott moved & TGlaser seconded that the necessary trash can lids be purchased from Uline. Roll call vote: All approved. Motion carried.

*Tennis court net - no update at this time

Tornado Shelter in the Community Center – DSwenson has not been able to obtain a weather radio donation. It would cost ~\$30.00 to buy one. It was agreed to purchase one.

Discussion was held on getting a portable generator for the Village. Getting a Hazard Mitigation Grant to purchase one will be investigated.

Culvert at Manley Lane & Hwy 1 – Fire Chief Larry Schliefert has not gotten back to the Board yet. AZierott, Dan Timm & AGoble will try to make arrangements to open up the culvert.

Animal Citations – Still need to be taken to the attorney

IPMC Book Fees – no update at this time

Vacant Property Registration Ordinance – no update at this time

Fireworks Ordinance – After looking over the proposed Ordinance this past month, AZierott moved & RGoble seconded that we approve **ORDINANCE 20-04:**

AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, ESTABLISHING RULES AND REGULATIONS TO GOVERN FIREWORKS IN THE VILLAGE, TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

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

SECTION 1: The Village of Manley Board of Trustees is hereby recognized as the Village authority and authorized to set forth laws, rules and regulations regarding the Village of Manley, Cass County, Nebraska.

SECTION 2: The Village Board of Trustees recognizes a need for the guidance to Village residents regarding the allowable fireworks in the Village of Manley.

SECTION 3: The Village Board of Trustees sets forth a permit requirement to sell any and all fireworks in the Village and will only allow sales of fireworks in the Village from 8AM to 8PM on July 1, July 2, July 3, July 4, Dec 28, Dec 29, Dec 30, Dec 31, and Jan 1 of each year, except if July 5 and/or Jan 2 falls on a Saturday, that day will be allowed also. Permits must be applied for with the Village Clerk on or before June 1st or December 1st. Handmade or homemade fireworks are immediately denied. The Village Board of Trustees will set the Permit fee at \$100.00 that may be changed by a Resolution. Permits must follow the State of Nebraska laws. Permits will be voted upon at the June & December Board Meetings only.

SECTION 4: The Village Board of Trustees sets forth the following Ordinance for public display fireworks discharged by residents:

- a) Only fireworks bought in the State of Nebraska from a Nebraska Fire Marshal approved vendor may be brought into the Village of Manley.
- b) The local Fire Chief may, at his/her discretion, order a cease of all fireworks due to weather and safety conditions.
- c) Fireworks may not be set off from a vehicle, house, public street/sidewalk, other apparatus or within 25 feet of such or at another person, structure, vehicle or animal.
- d) Parachutes traveling over 25 feet in height and Flying Lanterns, along with other State Fire Marshal listed items, are hereby outlawed in the Village of Manley.
- e) Fireworks may only be discharged on
July 2, July 3, December 29, December 30, January 1
Sunday thru Thursday 12 PM to 10 PM
Friday and Saturday 12 PM to 12 AM
July 4 and December 31
Sunday thru Saturday 12 PM to 12 AM
July 5 and January 2 (if allowable under State Law)
Friday or Saturday only 12 PM to 12 AM
- f) Each property owner is required to clean up debris within 12 hours of discharge.
- g) Fireworks handlers under the age of 19 must have an adult, aged 19 or above, outside in immediate view, showing responsibility at all times of discharge.
- h) Fireworks handlers are responsible financially for any damages to public or private structures, streets, grass, automobiles, etc.
- i) No handmade or homemade fireworks will be allowed
- j) Additional State and County laws not listed above may or may not be in effect.

SECTION 5: The Village of Manley Board of Trustees sets forth the following fines and fees for failure to adhere to the Ordinance:

- a) One (1) warning may be issued by a Village Board Trustee but a warning is not required.
- b) A fine of not more than \$100 per incident may be imposed by the Board of Trustees for failure to adhere to Section 4.
- c) A fine of not more than \$1,000 per incident may be imposed by the Board of Trustees for failure to adhere to Section 3.
- d) Failure to pay the fine or subsequent fines or failure to adhere to the Ordinance or State laws may include criminal charges and/or civil fines set forth by the Board of Trustees, at the discretion of law enforcement and/or the Board of Trustees.
- e) An additional fine for public nuisance/noise may be imposed by the Village Board of Trustees.

SECTION 6: Any other Ordinance passed and approved prior to this passage, approval and publication of the Ordinance and in conflict with these provisions, is hereby repealed.

SECTION 7: The Ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

Roll call vote: All approved. Motion carried

Renumbering Ordinances – JDalton presented a Table of Contents to be considered by the Board with the Ordinances numbered by the years, as suggested at last month’s meeting. There is a need to go thru the Ordinances, especially the early ones, because some are obsolete, some need clarification of content, etc. Board members will make an effort to go thru them in the next couple of months & clean up the records before officially renumbering them.

“Report A Concern” form – As directed, JDalton distributed a form she worked up from samples received from neighboring clerks for residents to fill out & submit when they have a complaint they would like the Board to address. The Board agreed to give it a try. The form will be available on the website & in the Post Office vestibule.

Community Center Rental Agreement – JDalton presented an edited agreement stating that driving up to the picnic shelter would be allowed for loading & unloading only, weather permitting, and no parking will be allowed on the grass. The edited version was approved by the Board.

UTV/ATV discussion – JDalton presented a summary of requirements from 4 sample Ordinances/Statutes the Village has on file. After discussion of the various requirements, DSwenson will work up an Ordinance with requirements the Board feels are needed in the Village.

Planning & Zoning Virtual Training - Fri, October 2nd – Unfortunately, no one was able to attend. DSwenson will check if a DVD of the training is available for purchase.

New Business

Audit Committee – With a busy October, the committee will schedule a date to audit the books next month.

Fire Extinguishers recheck – AZierott will ask Dan Timm if he would take charge of this task.

Audit Waiver Request – TGlas moved & AZierott seconded that the Board request to submit an Audit Waiver to the State Auditor for the last fiscal year (2019-20). Roll call vote: All approved. Motion carried.

North Street Stop Sign – The stop sign & speed humps were discussed. The Board will call Asphalt Specialists about the speed humps. It was decided to revisit both items in the Spring.

Insurance – RGoble reported that, being new structures, the Village has no insurance on either picnic shelter or either playground. She will work with JDalton to determine their replacement values so they can be added to the policy.

Sewer Hook-Up – Jeff & Angie Gordon addressed the Board. They were inquiring what the cost would be if they wanted to hook up to the Village sewer line. Manley Ordinance #11 states there is a \$200 sewer hook-up fee. After discussion about what was presented at the 2019 annexation meetings, TGlas moved & RGoble seconded to waive the \$200 sewer hook-up fee for the annexed residents in Sunrise Court. Roll call vote: All approved. Motion carried.

Horses – Mike Keim (313 Sunrise Court) is selling their house & the prospective buyers have inquired if they were allowed to have a horse on the property. Manley Ordinance #24 (1979) allows for a horse if there is at least 800 square feet for the animal at a distance greater than 50 feet from the residence. That property has that area, so a horse would be allowed.

Public Forum

Street Lights – MDalton reported that street lights have been installed by OPPD on 160th Street & Sunrise Court.

Resident at 201 Cherry inquired about getting a street light in the alley. The Village will suggest to the resident to put a light on her garage for illumination of the area.

Discussion was held regarding the trees at 204 Main & 409 Main. It was decided to send the owners a letter since the trees are dead & a safety hazard.

Office Copy Machine - no update at this time

Adjournment TGlas moved & RGoble seconded to adjourn the meeting at 9:29 PM. Roll call vote: All approved. Motion carried.

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.)