

**Village Of Manley**  
**Board of Trustees Regular Meeting**  
**August 13, 2020**

The Regular Meeting of the Village of Manley Board of Trustees was called to order on August 13, 2020 by Chairman Denise Swenson at 7:01 PM. Roll call was taken and members present were Denise Swenson, Mickey Dalton, Tim Glas, Rebecca Goble, and Adam Zierott along with Village Clerk Jolene Dalton, Streets Maintenance Supervisor Adam Goble & 7 guests. 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** TGlas moved & RGoble seconded to approve the Agenda. Roll call vote: All approved. Motion carried.

Consent Agenda items approved:

\*July 9, 2020 Regular & July 30, 2020 Special Meeting **Minutes**

\*July 2020 **Correspondence** (none)

\*July 2020 **Water Clerk's Report**

\*July 2020 **Treasurer's Report**

\*July 2020 **Village Clerk's Report** - Helped Jack Faubion, Water Specialist, prepare & submit the DHHS water report; Talked to Christy Abrams at LONM regarding possible conflict of interest for husband & wife and parent & godparent serving on the Village Board together. She confirmed there is no conflict of interest; Sent email to Betty Meyer thanking her for the Resolutions & Ordinances she found & requested bulletin board key still checked out to her & possibly the missing 2010 Special Meeting minutes. No reply to date; Gave welcome materials to new resident, Teresa Campbell, renting 216 Main; Compiled binder of miscellaneous document samples from other NE municipalities; Sent notice of Manley HideAway Liquor License Renewal to be published in the *Plattsmouth Journal*; Prepared papers regarding Anthony Houchin, Julie Dillon, and Al & Jamie Martz delinquencies to be submitted (by DSwenson) to the Village attorney; Filed 2020 2<sup>nd</sup> Qtr Employer Tax Forms (Federal & SUTA)

\*July 2020 **Misc Monthly Reports** –

**Water Specialist** - Jack Faubion

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

**Wastewater Specialist** – Ed Blunt

7/19 – checked the lagoons; pump #1 & 2 are not pumping - tried to reset & they kicked off right away; noticed rip rap gone on north side of polishing cell (lagoon #3) - told MDalton; 7/30 – checked lagoons; pumps still not working - per MDalton, electrician has been called; planning on pumping the water off so we can see what's going on with the polishing cell

**Water Meters** – Mickey Dalton & Adam Goble

Slow progress this month due to personal schedules. Did get 7 meters replaced this past week. (30 remaining)

**Kitchenette** – MDalton

Purchased & installed a microwave cabinet.

**811 Digger Calls** - Received 4 locate requests this month, one of which was cancelled. None required marking.

**Street Work** – Mickey Dalton

Asphalt work on Sunrise Court, North Elm & cracks thruout the Village is scheduled to begin on August 24<sup>th</sup> by Asphalt Specialists.

**Welcome Committee** – Jolene Dalton

The Welcome letter has been finalized. A list of new & annexed residents will be given to DSwenson & her committee.

**Picnic Shelter** – Forms & rebar for the concrete were prepared by MDalton & AGoble. Concrete was poured on July 25<sup>th</sup> with help from James Struthers, AZierott, TGlas, MDalton and 5 paid laborers. Lunch was graciously provided for the workers by RGoble, DSwenson, JDalton, Laura Glas & Marilyn Lowery. Saw cutting, which should have been done shortly after, is still pending.

The sidewalk connection to the Shelter still need to be poured.

Jessie Woolhiser Stallings has submitted to the Board a couple of designs to be considered for the mural on the gable ends.

**Picnic Tables** – Thanks to AGoble & MDalton for painting the new picnic tables.

**New Playground** – On July 14<sup>th</sup> MDalton, JDalton, DSwenson, AGoble & TGlaser started assembling parts of the new playground.

**Old Playground** – On July 19<sup>th</sup> MDalton, JDalton, AZierott, DSwenson, AGoble, TGlaser, Phillip Tapp, Scott Hess, Rick Lowery & Andrew Dalton disassembled the old wooden playground, leaving it in the playground area for the Craig, NE Village Board to come & pick it up. A big thanks to RGoble, Marilyn Lowery & Chris Hess who provided lunch for the workers.

Communication with the Craig, NE Village Board Chairman regarding their plans to pick up the playground was very poor so, after several requests with no response, an email was sent to the Manley residents, offering it to them for a donation. Received two calls. Justin & Micky Backhaus were the first, so they took it for a \$200 donation. They removed the playground from the area in the next two days.

JDalton sent an email to the Craig, NE Clerk stating we were sorry but the playground was no longer available. She replied back, saying they were sorry it didn't work out either but they understood. Their chairman was hit hard the past few months because of the pandemic & his work.

### **Remaining Reports**

**\*Claims** – Black Hills Energy for CommCtr-\$20.11 & Fire House-\$20.11; DHHS for water testing-\$15.00; OPPD for CommCtr-\$96.49, Fire House-\$68.79, Sewer-\$59.58, Water-\$33.00 & Street Lights-\$269.95; RWD #3 for water-\$1,102.50; Windstream for CommCtr-\$96.50 and Fire House-\$99.38; WireBuilt for website maint-\$50.00; Manley Hwy Acct for matching trsf from Sewer Acct-\$161.00 & Water Acct-\$161.00; JFaubion for Aug water wages & postage-\$126.75; EBlunt for July wastewater specialist-\$175.00; Mowen Owen for Jul mowing-\$420.00; *Plattsmouth Journal* for liquor license renewal & 2 zoning change public hearing notices-\$32.36; League of NE Municipalities for annual dues-\$280.00; *Cassgram* for zoning change public hearing notice-\$13.00; M&N Investments for tractor fuel-\$37.12; Pankonin's for mower tires-\$395.12; Meeske Hardware for 2 padlocks for lagoon-\$23.38 & water meter repair parts -\$9.93; Midwest Laboratories for supplies-\$48.10; MDalton for paint for picnic tables-\$97.99; JDalton for July Village Clerk-65-1/4 hr-\$748.29; JDalton for desk chair mat, cork bulletin board, binder dividers-\$81.29; MDalton for microwave cabinet-\$115.62; MDalton for July lagoon mowing & spraying-\$172.50; Larry & Micaela Hansen, Kim Gerdes, Deborah McDermott, Express Life Chiropractic and D&R Crafts & Collectibles for 2020 PTV Craft Fair refund-\$120.00; Menards for Picnic Shelter rebar & supplies-\$533.48; Dan Monahan, Dany Sharp, Brad Alspach, Mike Hess & Tell Hess for PS concrete labor-\$1,000.00; Ready Mixed Concrete for PS concrete-\$3,995.23; Farmers & Merchants Bank for CC new checks-\$21.88; and Zimco for lagoon perimeter weed killer-\$65.00.

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

### **Public Hearing**

Chairman DSwenson opened the Public Hearing at 7:03 PM. She explained that this was the second hearing regarding the zoning change request for Tax Lot 16, 15 acres, Cass County, NE from Agricultural to C-2 Highway Commercial. David Chebatoris, attorney for the seller, introduced the parties involved: Galen Vogler & Eric Vogler, sellers and Jason Henderson, buyer. DSwenson read a letter initially received from Green Thumb, LLC, Jason Henderson, owner, about the nature of the business. Jason then further explained their business & future plans and answered questions from the Board and the guests. Some type of fencing, lighting & posted signs are planned. Access road(s) will be determined by the state after the property is rezoned.

MDalton moved & RGoble seconded to waive a third public hearing. Roll call vote: DSwenson-yes, MDalton-yes, RGoble-yes, TGlaser-abstain, AZierott-no. Motion carried.

DSwenson made a motion that the Tax Lot 16, an Administrative Subdivision, being a part of Lot 7, located in the NW1/4 of the NE1/4, and a part of Lot 8, located in the NE1/4 of the NE1/4 of Section 23-T11N-R11E of the 6<sup>th</sup> P.M., Cass County, Nebraska be rezoned from Agricultural to C-2 Highway Commercial per plat. Roll call vote: DSwenson-yes, MDalton-yes, RGoble-yes, TGlaser-abstain, AZierott-no. Motion carried.

MDalton moved & TGlaser seconded to close the Public Hearing at 7:22 PM. Roll call vote: All approved. Motion carried.

(The 7 guests left the meeting.)

DSwenson read proposed Ordinance 20-03:

An Ordinance of rezoning a tract of land within the one mile jurisdiction of the Village of Manley, Nebraska; changing the land use classification of Lot 7 and Lot 8 of the Administrative Subdivision in Rural Weeping Water in Cass County, Nebraska from AGR Agricultural Zone to C-2 Highway Commercial Zone and directing that such zoning change and classification be shown on the Official Zoning Map of the County of Cass and the Official Jurisdiction Map of the Village of Manley; and providing for publication and an effective date of this Ordinance.

WHEREAS, the Manley Planning Commission on July 30, 2020 held a public hearing on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-993, R.R.S.1943 has been given to the Board of Education of the school district Weeping Water School District 22, Cass County, Nebraska; and

WHEREAS, at the public hearing on August 13, 2020 the Board of Trustees found and determined the change in zoning be approved and made,

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

SECTION 1. The following tract of land Lot 7 and Lot 8 of the Administrative Subdivision of Rural Weeping Water in Cass County, Nebraska is hereby rezoned, reclassified and changed from AGR – Agricultural District to C-2 Highway Commercial District:

Lot 7, located in the NW 1/4 of the NE 1/4, and a part of Lot 8, located in the NE 1/4 of the NE 1/4 of Section 23-T11N-R11E of the 6<sup>th</sup> P.M., Cass County, Nebraska.

SECTION 2. That the Official Zoning Map of the County of Cass, Nebraska and the Official Zoning Map of the Village of Manley, as established in the Comprehensive Plan and One Mile Jurisdiction, is hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 3. That this Ordinance shall be in force and take effect from and after its passage and publication within fifteen (15) days in one (1) issue of the *Plattsmouth Journal* as provided by law.

Enacted: August 13, 2020

MDalton moved & RGoble seconded that we adopt Ordinance 20-03 as read. Roll call vote: DSwenson-yes, MDalton-yes, RGoble-yes, TGlaser-abstain, AZierott-no. Motion carried.

### **Unfinished Business**

Building Permits –

Trish Schliefert – DSwenson has not been able to discuss the Village Building Permit requirements with her yet.

Anthony Houchin (112 Cherry) – no reply to date regarding correspondence sent

After discussion, TGlaser moved & MDalton seconded that the Board affirm the building permit granted by our temporary Zoning Administrator, DSwenson, to Phillip Tapp for remodeling his deck. Roll call vote: All approved. Motion carried.

Open Village Positions – Compensation for a Zoning Administrator was discussed. The matter will be tabled for now. DSwenson will continue serving in that position.

Nuisance Violations – The property at 111 Broadway was discussed. The yard has been cleaned up & the building is being fixed up.

201 Locust - Have been unable to find the owner at home to discuss needed cleanup of his property.

Park projects –

\*Picnic Shelter – (see report in Misc Monthly Reports above) AZierott working to get needed finishing work done, including pouring the sidewalk to the Shelter. The mural designs submitted by Jessie Woolhiser Stallings were discussed. DSwenson will continue to work with her on them.

\*Playground – (see report in Misc Monthly Reports above) A tentative date of August 21 & 22 was set to start work on getting the land level & surface prepared.

\*Park Benches – TGlas & DSwenson both presented ideas that will be checked out further.

\*Trash can lids – Some different places to check into were mentioned. The Board will keep looking to find some reasonably priced ones.

\*The tennis court net still needs to get put back up. MDalton & Adam Goble are working on getting the needed parts.

Tornado Shelter in the Community Center – DSwenson is still checking on a weather radio donation. Bottles of water have been purchased.

In the Contingency/Emergency Response Plan the Village had to fill out for the DHHS, a bottled water source for the Village that would be available during a disaster until further bottled water could be purchased had to be specified. It was determined that there will be an emergency supply of one (1) bottle of water/Village resident stored at the Community Center.

Culvert at Manley Lane & Hwy 1 – Fire Chief Larry Schliefert has not gotten back to the Board yet.

Speed humps – After discussion, TGlas moved & RGoble seconded that Asphalt Specialists place speed humps in two locations in the Village when they are doing the other street work: on North Street just east of Elm and on South Street just east of Cherry. Roll call vote: All approved. Motion carried.

Animal Citations – (see Village Clerk's Report above)

IPMC Book Fees – continues to be discussed

Fireworks Ordinance – Further discussion was held on the proposed Ordinance presented at last month's meeting. The Board will continue to work on it.

### **New Business**

Review 1 & 6 Yr Street Plan – Steve Parr sent a draft of the Plan for the Board to look at. The newly annexed area needs to be added to the map. DSwenson will call him to make the addition & possibly attend next month's public hearing on it.

Vacant Property Registration Act – JDalton distributed information on the Act that was passed by the State Legislature in 2018. TGlas will take a look at an Ordinance that Beatrice has on the subject to possibly start working on one for the Village.

Renumbering Ordinances – After receiving a reply from the LONM that renumbering/revising Ordinances is allowed, JDalton distributed a list of our Ordinances & how they are presently numbered. The Board will look over the lists & consider if they want to make any updates next month.

P.A. System Purchase – Word was received that resident Verna Evans had a Pevey P.A. System with speakers & stands, mixer board, microphones & stands for sale that might be what the Board has been wanting for outside the Community Center. TGlas went & looked at the system. He reported that it was a little older system but very nice and reasonably priced – something we could definitely use. RGoble moved & MDalton seconded that the Board make an offer, not to exceed \$400.00, for the P.A. System. Roll call vote: All approved. Motion carried.

After discussion, TGlas moved & MDalton seconded that we purchase the following street signs:  
one located at Locust & South for Sunrise Court with arrow pointing that direction,  
one located at Broadway & South for 160<sup>th</sup> Street with arrow pointing that direction,  
one for Sunrise Court located at the cul-de-sac,  
one for 160<sup>th</sup> Street located at the north end where that street starts, and  
four (4) Speed Hump signs with arrow pointing down toward the hump.  
Roll call vote: All approved. Motion carried.

Lagoon repair work – MDalton brought the electrical box from the lagoon to show the Board how it was rusted out & chewed up by mice. Todd Valley Plumbing & Heating replaced it. He discovered another disconnect on Hwy 1 with a meter that the Board was not aware of. He reported that Lagoon #3 was drained down to find out what was happening to the missing rip rap. Found out the rip rap was still there, the bank was just washing down & covering it, so he will build it back up.

**Public Forum –**

JDalton reported that she has made a binder with sample documents from other NE municipalities that might be informational for our Village sometime in the future. She distributed a Table of Contents to the Board members for their information.

JDalton passed around an article about Pillage the Village being cancelled that was on the front page of the *Plattsmouth Journal*. It was actually pretty nice publicity for our event.

**Adjournment** TGlas moved & RGoble seconded to adjourn the meeting at 9:20 PM. Roll call vote: All approved. Motion carried.

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Jolene Dalton  
Village Clerk

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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](http://www.manleyne.com).

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