

July 6, 2022

The Trustees of the Village of Malcolm met on Wednesday, July 6, 2022, 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. Notice of the meeting was in the June 23, 2022 "Clipper" and posted at the Village Hall and on the Malcolm Website on Monday, July 4, 2022.

ROLL CALL

Little, Tarr, Faubion,

Absent: Lemkau, Schweitzer

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

VISITORS PRESENT: Mike Beach, Trevor Cotton, McKenzie Beach, Aaron Schmidt, Jared Ritze, Randy Brown, Reed Miller, George Wilson, Barry Petersen, Nathan Habe, Henrik & Kathy Christensen

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the June 1, 2022 – 6:00 p.m. training meeting, seconded by Tarr. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion; NAY: None; Motion carried 3–0, Members absent: Lemkau, Schweitzer.

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the June 1, 2022 – 7:00 p.m. meeting, seconded by Faubion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion; NAY: None; Motion carried 3–0, Members absent: Lemkau, Schweitzer.

TREASURER REPORT – Little made a motion to accept the treasurer's report for the month of June 2022, with disbursements of \$41,185.84 and deposits of \$51,616.00. Motion seconded by Tarr. The Chairperson called for a vote recorded as follows: AYE: Little, Tarr, Faubion; NAY: None; Motion carried 3-0; Members absent: Lemkau, Schweitzer.

Schweitzer arrived at 7:07 p.m.

Randy Brown with Field of Dreams was present to discuss Cooperative Purchasing Agreement and update the Board as to the status of the two new ball fields and funding sources.

Reed Miller with Miller Engineering was present to discuss the report on Malcolm Heights Subdivision, Floor issues in well 1 building and water modeling.

MAINTENANCE REPORT: A report was submitted and received by the Board.

- Sanitary Water survey was completed last week,
- Digest was empties today, hauled it to Wahoo
- NPDES permit is drafted, Don reviewed report and sent back to DEE waiting for final approval

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: Ordinance 2022-01 – Revised Fees in Malcolm: Was accidentally voted on, however, the attachment for the Ordinance is not completed, therefore, the motion was withdrawn, and item will be tabled until the August 2022 meeting.

BACKGROUND: Quotes for Replacing Valves on Hudkins Road: Will be tabled until the August 2022 meeting.

BACKGROUND: Quotes for street work on Elk Creek Road: Will get an updated quote from TJ Skyes and have for the next Board meeting.

BACKGROUND: Quote for new Fire Hydrant – 4th & Exeter Street: Will put on hold until a later date.

BACKGROUND: Ordinance 2022-02 – Set Compensation for Village Employees, Officials and Members of the Board of Trustees: Little made a motion to suspend the three-reading rule for Ordinance 2022-02. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0, Members absent: Lemkau.

Little made a motion to approve Ordinance 2022-02 an Ordinance to Set Compensation for Village Employees, Officials and Members of the Board of Trustees, Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0, Members absent: Lemkau.

BACKGROUND: Ordinance 2022-03 – 11-303(t) (20 acres to 12 acres): this code section was not changed when Ordinance 2021-05 was passed changing the minimum acres from twenty to twelve acres. After further discussion, Little made a motion to suspend the three-reading rule for Ordinance 2022-03. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

Little made a motion to approve Ordinance 2022-03, an Ordinance to amend the definition of “Subdivision” for consistency with minimum parcel size set forth in the zoning code; to provide for publication; to repeal any conflicting ordinances; and to provide for an effective date. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

BACKGROUND: Ordinance 2022-04 – to require approval of the Village Board to subdivide land within the ETJ: Following further discussion, Little made a motion to suspend the three-reading rule for Ordinance 2022-04. Schweitzer seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau

Little made a motion to approve Ordinance 2022-04 an Ordinance to clarify that approval of the Village Board of Trustees is required to subdivide within the Village’s Extraterritorial zoning jurisdiction(ETJ); to provide for publication; to repeal any conflicting ordinances; and to provide for an effective date. Schweitzer seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

BACKGROUND: Floor issues in the Well 1 building: This item will be tabled so that Reed Miller can get in touch with a Company from Omaha to get a bid.

BACKGROUND: Water modeling moved from JEO to Miller Engineering: This item will be tabled until a bid is received from Miller Engineering to update the water model they received from JEO.

BACKGROUND: Cooperative Purchasing Agreement – ball fields: Board approved signing up with Equalis Group for the Intergovernmental Cooperative Purchasing Agreement. Board also gave approval for Randy Brown with Field of Dreams to have all documents reviewed by SENDD and LWCF personnel first before coming to the Village Board for final approval.

BACKGROUND: Nebraska Rural Water – Water/Sewer rates: Will be tabled until the August 2022 meeting.

Recommendation 400 – Malcolm Heights Preliminary Plat: next action regarding the Malcolm Heights Preliminary Plat will be a Public Hearing at a Board meeting. Bob Benes will be contacted to see when he would like the Public Hearing.

Recommendation 401 – Building Permit – Rick & Robin Stephens – replace existing deck 341 Robert Road: Following further review of the building permit and Planning Commission recommendation, Little made a motion to approve the building permit to replace the existing deck at 341 Robert Road. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

Recommendation 402 – Building Permit – Mike & Cindy Beach – new single-family residence: Following further review of the building permit and Planning Commission Recommendation, Little made a motion approve the building permit for a new home and shed near 105th & McKelvie Road. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

Recommendation 403 – Application for Administrative Plat – Michael & Cynthia Beach: Following further review of the Plat and recommendation from the Planning Commission, Little made a motion to approve the Administrative Plat for Michael & Cynthia Beach, to change lot

lines for the lot his existing home is on and the 20 acres to the North of that lot, Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

Recommendation 404 – Building Permit – Gerden Wheeler – 12’ Fence: After further review of the permit and recommendation of denial from the Planning Commission, Little made a motion to approve the building permit for a 12’ fence, there was no motion to 2nd the approval. Motion failed.

Recommendation 405 – Building Permit - Randy Wobig – storage units: Following further review of the building permit and recommendation from the Planning Commission, Little made a motion to approve the building permit for two more storage units at 9515 NW 112th, Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

Recommendation 406 – Building Permit – Nathan Stark – 280 Hudkins Road – Swimming Pool: Following further review of the building permit and Planning Commission recommendation, Little made a motion to approve the building permit for a pool at 280 Hudkins Road, Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

Recommendation 407 – Variance for shed – George Wilson – 175 S. East Street – shed: Following further discussion and review of the variance as to the placement of the shed, Little made a motion to approve the variance for the placement of the shed at 175 S. East Street, Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

Recommendation 407 – Building Permit – George Wilson – 175 S. East Street – shed: Following further discussion of the building permit and the Planning Commission recommendation, Little made a motion to approve the building permit for the shed at 175 S. East Street, Schweitzer seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion: NAY: None; Motion carried 4-0; Members absent: Lemkau.

With no further business to discuss, Little moved to adjourn at 9:43 p.m. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion; NYE: None; Motion carried 4-0; Members absent: Lemkau

Nadine Link, Village Clerk