# May 7, 2025 at 7:00 PM - Board of Trustees Meeting

The Trustees of the Village of Malcolm met on Wednesday, May 7, at 7:00 p.m. in open session at the Village Hall located at 137 East 2<sup>od</sup> Street, Malcolm, NE for such business as shall come before said Trustees. Notice of the meeting was in the "Clipper" and posted at the Village Hall, Malcolm Post office, Malcolm Fire Department, and on the Malcolm Website on Tuesday May 6, 2025.

### Call to order and roll call.

Nick Benes: Present, Mike Faubion: Present, Jerad Little: Present, Jack Tarr: Present. Jason Lemkau: Present

### **Open Meetings Act Requirement**

OPEN MEETINGS LAW is posted and located on the west wall of the Village Hall.

# Reading of minutes, for April 2, 2025 request for approval (as amended).

Jerad Little made a motion to accept the minutes of the April 2, 2025 meeting. Jack Tarr seconded the motion. Motion Carried

- · Jerad Little: Yea
- · Jack Tarr: Yea
- · Jason Lemkau: Yea
- · Nick Benes: Yea
- · Mike Faubion: Yea

# Disbursements, Receipts and Treasurer's reports request for approval (as amended)

Jerad Little made a motion to accept the treasurer's report for the month of April, 2023, with disbursements of \$56944.01 and deposits of \$87016.93. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: Yea
- · Jack Tarr: Yea
- · Jason Lemkau: Yea
- · Nick Benes: Yea
- · Mike Faubion: Yea

Jerad Little made a motion to approve the claims for April 2025 as presented. Mike Faubion seconded the motion. Motion Carried

- · Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- · Nick Benes: Yea
- · Mike Faubion: Yea

### VISITOR PERIOD

The Board welcomes your input. You may address the Board at this time on items that are not on tonight's agenda. According to Nebraska Open Meeting Laws no action may be taken by the Board. At the appropriate time during the meeting, citizens wishing to comment on tonight's Agenda items will be given an opportunity.

Jerad Little made a motion to amend the agenda as presented, in accordance with the provisions of the Nebraska Open Meetings Act. Nick Benes seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

### UNFINISHED BUSINESS

#### Chip Sealing/Armor Coating

The Board reviewed the itemized bid submitted by Midwest Armor Coating. Following further discussion, it was agreed that Reed Miller of Miller and Associates would proceed with preliminary work on the paving districts. Mr. Miller will also prepare and present cost estimates to the Board to support continued advancement of the project.

### NEW BUSINESS

### Industrial Zoning Concerns and Parking at 108 N East Street

Juli Plooster addressed the Village Board with concerns regarding 108 N East Street, exhibiting excessive vehicle parking, material storage, and noise. She stated the conditions negatively affect the surrounding neighborhood and expressed frustration that the property owner has no plans to resolve the issues. Mrs. Plooster also raised concerns about potential zoning code violations. The Board directed that a letter be sent to the property owner requiring the following: application for a use permit, enforcement of tenant compliance with existing ordinances, and installation of a visual barrier to screen the contents of the parking area from public view.

### 540 Malcolm Road Sidewalks - Victor Rybak

Victor Rybak addressed the Village Board regarding the installation of sidewalks at 540 Malcolm Road. The Board advised that the sidewalks should be extended to the property line of 540 Malcolm Road only, and that no action is required concerning the adjacent property.

#### 250 W 1st Street - New Information

Don Pekarak addressed the Village Board with concerns regarding potential covenant violations. He stated that he is able to place a driveway onto 1st Street and had attempted to obtain supporting signatures from neighbors but was unable to secure their approval. The Board advised Mr. Pekarak to obtain written consent from neighboring property owners and to adhere to the requirements previously outlined by the Village Attorney.

### 530 Malcolm Rd Building Permit, Zoning Clarification

The Board held a brief discussion regarding the permit in question. It was noted that the permit has been cancelled.

### **Ballfield Update**

Jarod Smith informed the Board that he had requested an onsite meeting with the county to discuss concerns regarding the placement of lights and dugouts within the county right-ofway but had not received a response. He noted that both Musco and Olsson should bear some responsibility, as all structures were placed within the original fence line.

#### Dog License Fee for Service Dogs

After further discussion, the Board determined that service dogs must be licensed, and proof of rabies vaccination must be submitted to the Village. In accordance with Nebraska state statute, the licensing fee will be waived.

### New Fire Station Sewer & Water

Corey Heidtbrink and Reed Miller of Miller & Associates discussed with the Board utility needs for the new fire department. A 6" water line is required, though 8" is preferred. The fire department would cover the cost of 6" lines, with the Village potentially funding the upgrade to 8". A septic system may be used temporarily, with agreement to connect to Village sewer once available. Reed Miller will coordinate with the state regarding septic approval.

### Planning Commission Recommendations/Permits

Jerad Little made a motion to approve the building permit application at 360 Robert Road for bathroom modifications contingent on work being started after the closing date of May 9th. Nick Benes seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea

- · Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

Jerad Little made a motion to approve the conditional use permit application at 371 Hudkins Road, Jason Lemkau seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

Jerad Little made a motion to approve the building permit application submitted by Allo for the installation fiber optic cable. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

Jerad Little made a motion to approve the mobile food truck permit application submitted by Chi Style Kitchen to be present during the Farmers Market. Nick Benes seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- · Mike Faubion: Yea

Jerad Little made a motion to approve the building permit application at 10750 NW 118th PL for the construction of a Morton out building. Mike Faubion seconded the motion. Motion Carried

- · Jerad Little: Yea
- · Jack Tarr: Yea
- Jason Lemkau: Yea
- · Nick Benes: Yea
- Mike Faubion: Yea

Jerad Little made a motion to approve the building permit application for 159 N. Lincoln Street for the installation of a new wood-burning stove and associated venting, contingent upon inspection by the Village Building Inspector. If an external inspection is required, all associated fees will be the responsibility of the applicant. A late fee will also be applied to the permit. Jason Lemkau seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- · Nick Benes: Yea
- Mike Faubion: Yea

Jerad Little made a motion to approve the proposed change of plans at 9515 NW 112th Street, modifying the project from two smaller outbuildings to one larger outbuilding. A new building permit must be submitted to reflect the revised plans, and permit fees will be adjusted accordingly to reflect the updated scope of work. Mike Faubion seconded the motion. Motion Carried

- · Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

# Resolution 2025-01 Policy for Payment of Payroll and Associated Benefits and Expenses Prior to the Approval of Claims by the Village Board of Trustees

Jerad Little made a motion to approve Resolution 20252-01 Payment of Payroll and Associated Benefits and Expenses. Jack Tarr seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr. Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

# Resolution 2025-02 Surplus of Property - Maintenance

Jerad Little made a motion to approve Resolution 20252-02 Surplus of Property. Mike Faubion seconded the motion. Motion Carried

- · Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- · Nick Benes: Yea
- Mike Faubion: Yea

### SENND Owner Occupied Rehabilitation Grant

Jerad Little made a motion to approve the contract for project #11 for home improvements through the Owner-Occupied Housing Rehabilitation grand through SENND. Jack Tarr seconded the motion. Motion Carried

- · Jerad Little: Yea
- Jack Tarr: Yea
- · Jason Lemkau: Yea
- · Nick Benes: Yea
- Mike Faubion: Yea

### **Employee Evaluations**

After further discussion, the Board has tabled this item until next month.

### Considerations of Annexation or Removal of Ballfield Improvements Within the County Right of Way

Jerad Little made a motion to move into closed session at 10:56 p.m., in the public interest, to discuss matters of pending litigation. Nick Benes seconded the motion. Motion Carried

- Jerad Little: Yea
- · Jack Tarr: Yea
- · Jason Lemkau: Yea
- · Nick Benes: Yea
- · Mike Faubion: Yea

At 11:23 p.m. the Board reconvened into open session following the executive session. No formal action was taken during the executive session.

Jerad Little made a motion to annex the water/sewer treatment plant, ballfield complex, and area between the existing corporate boundaries at no cost to Lancaster County. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

### VILLAGE MAINTENANCE REPORT

A report was submitted and received by the Board.

### ATTORNEY'S REPORT

A report was submitted and received by the Board.

### VILLAGE CLERK REPORT

A report was submitted and received by the Board.

### TABLED ITEMS

## DATE OF NEXT MEETING(S), FUTURE AGENDA

Planning Commission will meet on May 28, 2025, Village Board will meet on June 4, 2025

## ANNOUNCEMENTS AND/OR ADJOURN

Jerad Little made a motion to adjourn at 11:34 pm. Nick Benes seconded the motion. Motion Carried

- Jerad Little: Yea
- Jack Tarr: Yea
- Jason Lemkau: Yea
- Nick Benes: Yea
- Mike Faubion: Yea

April Faubion, Village Clerk

11:44 AM

05/05/25

#### Accrual Basis

# Village of Malcolm, Nebraska Checks April 2025

	Type	Date	Num	Name	Memo	Amount
	Apr 25					
	Liability Check	04/03/2025		QuickBooks Payroll Service	Created by Payroll Service on 0	-6,842.49
	Liability Check	04/10/2025		QuickBooks Payroll Service	Created by Payroll Service on 0	-3.386.76
	Liability Check	04/17/2025		QuickBooks Payroll Service	Created by Payroll Service on 0	-2,521.80
	Liability Check	04/24/2025		GuickBooks Payroll Service	Created by Payroll Service on 0.	-2,280,19
	Check	04/30/2025		and a straight of the	Service Charge	-16.03
	Check	04/03/2025	cashi	Comhusker Bank	Cashier Check for Generator	-9.005.00
	Check	04/04/2025	online	NE Department of Revenue	Form 10 Sales Tax 1st quarter	-1.831.85
	Check	04/22/2025	online	NextBillPay		
	Check	04/25/2025	online.	NextBillPay	online paperless customers	-3.40
	Check	04/01/2026	online	Internal Revenue Service	return check from Rachel Vond	-96.12
	Liability Check	04/04/2025	online	EFTPS	Monthly tax - over payment, us	-14,696.88
	Check	04/03/2025	paid	Elan Financial Services	monthly federal tax deposti	-4,983.20
	Liability Check	04/03/2025	phon		Acct. #4798-1731-3100-1979	-234.70
	Paycheck	04/04/2025	DD10.	Nebraska UC Fund	0087679004	-273.51
	Paycheck	04/04/2025		Faubion, April	Direct Deposit	0.00
	Paycheck	04/04/2025	DD10	Little, Jaydin L	Direct Deposit	0.00
			DD10	Petersen, Logan R	Direct Deposit	0.00
	Paycheck	04/04/2025	DD10	Regnier, Wayne L	Direct Deposit	0.00
	Paycheck	04/11/2025	DD10	Faubion, April	Direct Deposit	0.00
	Paycheck.	04/11/2025	DD10	Little, Jaydin L	Direct Deposit	0.00
	Paycheck	04/11/2025	DD10	Petersen, Logan R	Direct Deposit	0.00
	Paycheck	04/18/2025	DD10	Faubion, April	Direct Deposit	0.00
	Paycheck	04/18/2025	DD10	Little, Jaydin L	Direct Deposit	0.00
	Paycheck	04/18/2025	DD10	Petersen, Logan R	Direct Deposit	0.00
	Paycheck	04/25/2025	DD10	Faubion, April	Direct Deposit	0.00
	Paycheck	04/25/2025	DD10	Little, Jaydin L	Direct Deposit	0.00
	Paycheck	04/25/2025	D010	Petersen, Logan R	Direct Deposit	0.00
	Paycheck	04/04/2025	14988	Benes, Nicholas J		-346.31
	Paycheck	04/04/2025	14989	Faubion, Michael P		-346.31
	Paycheck	04/04/2025	14990	Lemkau, Jason L		-346.31
	Paycheck	04/04/2025	14991	Little Jerad L		-392.49
	Paycheck.	04/04/2025	14992	Tarr, Jack L		-346.31
	Check	04/02/2025	15019	Home Depot Credit Services	Acct #6035322540620287	-36.32
	Check	04/02/2025	15020	Solheim Law Firm	Legal Fees 2025	-2.057.50
	Check	04/02/2025	15021	Vilage of Malcolm - 567-877	Transfer to cover sewer Bond,	-10,219.59
	Check	04/02/2025	15021	Village of Malcolm - 567-877	Transfer monthly monies to pay	3.579.42
	Check	04/02/2025	15021	Village of Malcolm - 567-877	Street Loan resurfacing from n	3,771,25
	Check	04/02/2025	15021	Village of Malcolm - 567-877		
	Liability Check	04/03/2025	15022	Nebraska Department of Revenue	To Cover Yearly Contract Price	2,868.92
	Check	04/08/2025	15022	Benes, Nicholas J		-2,339.58
	Check	04/08/2025	15024		Lawn Mower for the Village	-400.00
	Check	04/08/2025	15024	Vilage of Malcolm - 602168715	2026 1st quarter	-1,734.00
	Check	04/16/2025		Vilage of Malcolm - 602168715	1st quarter 2025	1,734.00
	Chack	04/16/2025	15025	Windstream	Account #090491164	-230,44
	Check	04/16/2025	15026	Elan Financial Services	Acct. #4796-1731-3100-1979	-3,173.81
	Satistica,	04/10/20/25	15027	Norris Public Power	6 accounts	-2.766.70
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#### Village of Malcolm, Nebraska Deposits

### April 2026

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04/47/2025	33	10 - Linkinses/Pareilie/Pares	1018 Germani Parist Centering 1992-281	681.8
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