

**Village of Alvo
Meeting Minutes
135 Main Street, Alvo, Nebraska
August 3, 2021 at 7:30 P.M.**

A regular meeting of the Village Board of Trustees was called to order at 7:30pm on August 3, 2021, at Village Office located at 135 Main Street, in Alvo, Nebraska. Said meeting is open to the public attend. The Board of Trustees reserves the right to adjourn to Executive Session per State Statute 84-1410. Chairwomen LaPage stated that the Open Meetings Act is posted in the meeting room for the public to view.

Roll Call

Robin LaPage, Michael Lancot, Chris Juilfs, Larry Langer, and Gary Marcoe were present.

Consent Agenda

Approve the minutes of the meeting of June 15th, 2021 and July 6th, 2021

Approve the payment of the claims, wages, and payroll taxes, including necessary transfer of funds to and/or from Water/Sewer and General fund accounts

Chastain Otis	\$367.20	Insurance
Layne Christensen	\$450.00	Repair
League of Municipalities	261.00	Dues
Maguire Iron	\$1000.00	Repair
NE Public Health Lab	\$15.00	Testing
NE Dept. of Labor	\$14.99	Payroll Taxes
NE Dept. of Revenue	\$723.12	Utility Sales Tax
OPPD	\$818.40	Electric
PeopleService	\$825.00	Contract Labor
Roger Johnson	\$1289.15	Fees
Security First Bank	\$3385.61	Loan Payment
US Treasury	\$233.12	Payroll Taxes
USA Bluebook	\$408.69	Supplies
Wages	\$1287.50	Payroll

Lancot made a motion to approve the meeting minutes, payment of claims, the necessary transfer of funds, and financial statements. Juilfs seconded the motion. The following members voted “YEA”: LaPage, Lancot, Juilfs, Langer, and Marcoe. The following members voted “NAY”: None. 5-0. Motion carried.

Communication of Citizens

LaPage discussed her disapproval of behavior at previous meeting and cited that if behavior like that arises at this meeting you will be asked to leave. Citizen Reeves discussed highway allocation funds, training for board members and grants that the village could be eligible for. She also discussed implementing an occupation tax in town. Cadwell informed Reeves that there is already one in place. Reeves feels as if this should be increased.

Reports

Fire Report

Recken reported that there have been 9 calls including 5 medical, 2 car accidents, and 1 fire since the prior meeting. None of these calls have been in Alvo. They have been able to average 10 people per call.

Planning Committee Report

Consideration and Approval of \$125.00 invoice for copies of the planning books due to missing pages

Discussion was held regarding if permission was given for the Planning Committee to order the books. It was determined that there was a miscommunication. This item will be added to the next claims list for approval.

Consideration and Approval to join Nebraska Planning & Zoning Association for \$35.00

Lanctot made a motion to approve the Planning Committee join the Nebraska Planning & Zoning Association. Juilfs seconded the motion.

The following members voted "YEA": Lanctot and Juilfs. The following members voted "NAY": Langer, Marcoe, and Lapage. 2-3. Motion failed.

Discussion and review the documents for the 2021 CDBG Planning Grant

Discussion was held regarding not having the available documentation to review. Since the documentation was not available agenda item will be moved to the next meeting.

Langer made a motion to table the review 2021 CDBG Planning Grant until the September meeting. Lanctot seconded the motion.

The following members voted "YEA": Langer, Lanctot, Juilfs, LaPage, and Marcoe.

The following members voted "NAY": None. 5-0 Motion carried

Discussion and vote the letter submitted to table any legal pursuit for remedy at the Recycling Center until after October 1, 2021

LaPage asked the Planning Commission if they received permission to approach Langer regarding Recycling Center and make an agreement with him. The Planning Committee can only make recommendations to the village on how to proceed. Reeves stated that they did not approach Larry Langer. LaPage stated that the Planning Commission does not have the authorization to enter agreements on behalf of the village. Reeves clarified that they did not approach Peter Langer or make any type of legal agreement with him. She continued that the agreement was not legal it was only to operate in a good faith understanding. In the letter provided to the village from the Planning Committee they recommended that no legal action be taken until after October 1, 2021, giving the person that is buying the property time to clean it up. P. Langer requested who is purchasing the Recycling Center requested permission to speak. He stated that he had appeared before the Planning Committee voluntarily. A few of the things that he made abundantly clear is that nothing in your citation carries any weight. He attended voluntarily because he believes in some of the things that the Planning Committee is trying to accomplish. He is attending the meeting tonight after reading the recommendation letter because it mischaracterized the entire conversation that was held at the Planning Committee

meeting. He feels as if it is a bit of a betrayal. Hoffman stated that it's not what the recommendation letter was stating. P. Langer read the letter out loud. He said that you are still frosting over the base issue. The base issue is that there are not any zoning infractions. Jordan stated that there are fences and other infractions. P. Langer referred to 4.18.01 from the Zoning Ordinance, it comes down to nonconforming uses of land. Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following conditions which we already went through. It states that it cannot increase in size. It has not increased in size. The second thing cited is the land cannot be moved in whole or in part to any other portion of the lot or parcel occupied by such use or date of adoption. This is also not an issue. The third cited is if any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located. This is also not an issue. What he stated before, is that he understands what the Planning Committee is trying to do. Then I provided you with all the information to make it clear that you do not have the authority in that book. You don't even have the whole book. You guys said that yourself. You are writing a citation based on a book that you don't have the complete copy. Hoffman stated that there is one member who has a complete copy of the book. There are other infractions that were discussed that day including stuff outside your area. P. Langer stated that your letter basically says we are going to table this issue. There are numerous issues listed. It took 15 minutes for me to go through each one listed. Hoffman stated that the letter was written in good intentions trying to make everything okay. P. Langer stated that is why he attended tonight. As much of what you guys want, I also want. What I am not going to do here tonight and what should not be allowed, not for my benefit but for anyone else that might have an existing use, and zone them out based on a change of the zoning law. Nebraska state law is clear on this. He has gone to three separate firms to review your position on this. It is clear cut there is not any infraction. He understands what you are trying to do. We all want the same thing in that regard. Like I told you, by August 1, 2021, there will be progress. By September 1, 2021, there will be significant progress. If you reviewed that at all by driving by, we are where I stated we would be. What I am not going to allow, and I will defend this vigorously, I will not allow someone to say that we will postpone this until after I take ownership and then try to sue me out of existence or perform some type of legal remedy. Hoffman stated that was not what was said. P. Langer stated that he disagreed and that is not how the letter is read. It is attempt, to basically restate that there are zoning infractions in place and there aren't any. He agreed that there are housekeeping and all sorts of other issues that we are addressing one at a time voluntarily, that you don't have the authority to enforce. If you would like to restate this letter, to state that we have a nice discussion where we voluntarily agreed that are in the best interest of the community, the best interest of the health and well being of all of us, then I would happily to sign the documentation. Hoffman asked if here letter didn't state that. P. Langer stated that the letter stated holding off any legal pursuit. Legal pursuit means that there is a violation of law. There is not any violation of law. 4.18.01 is the law that applies. There are several other ordinances that are cited in village ordinance and each one of those there is nothing there. The only one of those that is an omission to your village law, that states all the things that you can not do in so many feet of the village well,

but there is nothing in there stating what you can't do. It is an update that you need to make to your book. Jordan stated that they are trying to do is learn. P. Langer stated that what he is not going to do is have any one strong arm us because you guys do not have the authority. Jordan stated that we are not trying to strong arm you. P. Langer stated that we are on the same page then. Stop by, I will walk you through the place and show you what we are doing. There are a thousand different ways you can approach this. We can approach this from a community minded standpoint or a good neighborly standpoint. There are a thousand things we can do that do not require the language legal pursuit of remedy until after investment. He explained that his investment as of today is significant. By October 1, 2021, it will be exponentially greater. Anything that would jeopardize that especially if it is illegal, is unacceptable. Hoffman stated that she thinks where the misunderstanding though, when we came to then our intention was legal pursuit. After our conversation, what we were trying to do was retract that. I will reword the letter. P. Langer stated that he would like it reworded and represented to the board. He feels that at some point, it needs to be acknowledged, that the only applicable law to that piece of property is the non-conforming use statue in your zoning book. There has not been a lawyer contacted at this point. P. Langer encouraged the board to contact a lawyer, because you guys are threatening an investment that I have, and you are doing that with out having all the pages of your zoning book. Hoffman stated that they do have a full copy of the zoning book, but she thinks that this is a misunderstanding in the wording of the letter. P. Langer stated that this stuff is important. It is more than that. Langer stated that there is a whole list of infractions that are not applicable. They mean nothing. Hoffman stated that these are a list of infractions that were pointed out to you before your son decided to buy the property. Cadwell questioned if the Recycling Center was there before the zoning ordinance was passed. Langer stated that they were there long before that. Hoffman stated that letter she will reword the letter so they can move on. P. Langer stated that for him to move forward and be comfortable he would like the board to acknowledge that zoning ordinance 4.18.01 is the ordinance that applies to that piece of property. Hoffman stated that the letter that P. Langer brought to the Planning Committee stated that the use of the land goes with the land. P. Langer stated that there have been 4 or 5 cases that establishes precedence for that. He stated that he has had this reviewed by several firms. He stated that he is not everyone's enemy. When we examine everything from a 1000-foot level, when he was here three years ago, it was operating fairly neatly. There are all sorts of reasons, that everyone is aware of, to why it is not operating neatly now. He is gotten to a point where L. Langer is unable to keep up. The purpose of me coming into this is to support and get it back to a place that both my father and I am proud of, and the community can be proud of. He will stand on the 4.18.01. I will absolutely defend that with everything. If it isn't permissible under that, your zoning law doesn't make it permissible at all. Basically, that is a discretion of his life's work and my investment. Hoffman again stated that they are all on the same page. It is the way she worded the letter. P. Langer stated that it is important for a board like this, especially when everything is going into the minutes, words matter. Phrases do matter. That stuff becomes very important because it is not just your board, and your actions that I will be held to. We are talking about your board, your replacements, and 25 years from now. This is not the first time that this piece of property has been subjected to this conversation. I would like once and for all to make somethings clear there are some things we are doing from a housekeeping standpoint, from a good neighbor standpoint, and there will be

progress by the August 1st, and that is why I am here to deliver on that progress. By September 1, 2021, there will be even more progress. It is not so much as a matter of me doing things differently, his health is improving. There is additional support and equipment here. He requested that the board help him out on this.

LaPage stated that what she wanted to get back to is that the Planning Committee does not have any type of authority to make any agreements with anyone. What you will need to do is make a recommendation to the Village Board that we enter into a good faith agreement with the new owner P. Langer at the Recycling Center. All the Planning Committee can do is recommend things. She also discussed that you would need to present evidence if noting violations such pictures, measurements, etc.. If it ends up in court, we will need to have evidence to support. Discussion was held that the Planning Committee is still learning. They are trying to make a difference in their community.

Langer would like to add a vote to the agenda to protect that P. Langer and himself that 4.18.01 applies to that Recycling Center. He said that they would first need vote to add this item to the agenda and then vote on whether 4.18.01 applies to that property. Cadwell stated that she has never been part of a meeting where things were added to the agenda. To her understanding, you can't change the agenda 24 hours before the meeting. Langer continued to discuss that the board needs to recognize that. He stated that he checked to with the League to see if this could be done and was told we could. Cadwell stated that we could recommend that be added to the next agenda.

Consideration and Approval to hold a public hearing regarding the application for a conditional use permit for 23612 Fletcher Ave

LaPage asked if the building had been put up yet. Hoffman stated no. LaPage stated that she has reservations on voting on something that is not up. She would rather see this happen after the building is up. Cadwell stated that there is not even a permit that she can find. Discussion was held regarding turning in an application, public hearing, and publication. This will be added to the September agenda.

Water Report

Discussion of connection to Rural Water

Marcoe reported that the village will need to give them a report of well readings to see if they are able to help us in the event of an emergency.

Consideration and Approval of Quote from Layne Christensen to repair north well

Lanctot made a motion to approve quote from Layne Christensen to pull and repair the north well not to exceed \$6000.00. Marcoe seconded the motion.

The following members voted "YEA": Marcoe, LaPage, Lanctot, Langer, Juilfs. The following members voted "NAY": None. 5-0. Motion carried.

Consideration and approval of installation of sensaphone and pressure switch to detect low pressure in water tower

Lanctot made a motion to approve of installation of sensaphone and pressure switch not to exceed \$1000.00 Juilfs seconded the motion.

The following members voted "YEA": LaPage, Lanctot, Langer, Juilfs, and Marcoe. 5-0. Motion carried.

Discussion of amending Ordinance 20-02 to charge businesses in town commercial rates for water and sewer

Discussion was held on amending rates for commercial uses inside of village. The Village will investigate and discuss at future meeting.

Sewer Report

Discussion of road repair back to the lagoon

Discussion was held regarding additional work that needs to be done to complete road repair back to the lagoon.

Discussion and Approval of hiring Tanaire to remove grease from lift station and lagoon

Marcoe made a motion to approve Tanaire to remove grease from lift station and lagoon not to exceed \$500.00. Lanctot seconded the motion.

The following members voted "YEA": Juilfs, Langer, Marcoe, LaPage, and Lanctot.

The following members voted "NAY": None. 5-0. Motion carried.

Discussion of hiring a village attorney on retainer

Marcoe has investigated hiring a village attorney on a retainer for the village. He is currently waiting on an attorney to contact him back on representing the village.

Discussion and approval of changing locks

LaPage explained that there are several things that have come up missing out the building. The locks need to be changed immediately. Langer will donate the money to have this done. Cadwell stated that after the locks are changed, they needed to be numbered, and key sign in and sign out needs to be implemented.

Lanctot made a motion to approve changing the locks. Juilfs seconded the motion. The following members voted "YEA": Marcoe, Langer, Juilfs, Lanctot, and LaPage.

The following members voted "NAY": None. 5-0. Motion carried.

Discussion and approval of hiring accountant to do budget

Discussion on people to hire for the accounts to do the budget.

Langer made a motion to table the hiring of accountant. Marcoe seconded the motion.

The following members voted "YEA": LaPage, Juilfs, Lanctot, Langer, and Marcoe.

The following members voted "NAY": None. 5-0 Motion carried.

Consideration and Approval of Alvo utility payment agreement for past due accounts

A new utility payment agreement was created to outline payment agreements. LaPage explained that this is due to all the past due accounts. If you owe a balance, you will be subject to disconnection. Bills are sent out on the first of every month and due by the 15th. Any balance owed after the 15th, is subject to a 10% late fee. Anyone with a balance after the 15 days, will be sent a disconnection notice.

Langer made a motion to approve the Alvo utility payment agreement. Julifs seconded the motion.

The following members voted "YEA": Lanctot, Juilfs, Langer, Marcoe, and LaPage.

The following members voted "NAY":None. 5-0. Motion carried.

Consideration and Approval of hiring village clerk

LaPage made a motion to approve Cheri Cadwell as the village clerk. Langer seconded the motion.

The following members voted "YEA": Langer, Marcoe, Juilfs, Lancot, and LaPage. The following members voted "NAY": None. 5-0. Motion carried.

Adjournment

LaPage made a motion to adjourn at 9:16pm. Lancot seconded the motion.

The following members voted "YEA": Lancot, Marcoe, Langer, Juilfs, and LaPage.

The following voted "NAY": None. 5-0. Motion carried.

Chairperson, Robin LaPage

Village Clerk, Cheri Cadwell