

IN THE DISTRICT COURT OF CASS COUNTY, NEBRASKA

STATE OF NEBRASKA EX.)	
REL., BRANDY JORDAN,)	
)	
REALTOR,)	CASE NO. CI 24-79
)	
VS.)	SECOND AMENDED COMPLAINT
)	AND VERIFIED PETITION
)	FOR WRIT OF MANDAMUS
)	PURSUANT TO NEB. REV.
THE VILLAGE OF ALVO;)	STAT. § 84-712.03, 84-1414(3)
AMANDA SHINKLE, in her official)	
Capacity as Records Manager for)	
the Village of Alvo,)	
)	
RESPONDENTS.)	

REALTOR, **Brandy Jordan**, files this Second Amended Complaint and Verified Petition for Writ of Mandamus pursuant to Neb. Rev. Stat. § 84-712.03 84-1414(3). Relator alleges as follows:

1. Relator is a resident of the Village of Alvo, Nebraska (“Alvo”).
2. Respondent, Alvo, is a village in Cass County, Nebraska, United States.
3. Respondent Amanda Shinkle is a custodian of records belonging to Alvo for the purposes of the Nebraska Public Records Act.
4. Relator is an interested person in examination of public records for purposes of Neb. Rev. Stat. § 84-712.
5. On February 23, 2024, Relator issued a public records request (“First Request”) to Alvo seeking:

“[A] copy of all emails, text messages, transcripts, written or verbal communications, and all documentation and recordings made during November 7, 2023, December 5, 2023, January 9, 2024 and February 6, 2024 Board of Trustees monthly meetings. If you cannot provide copies, then I am requesting a time and date for me to come in and for myself to make my own copies. Before you ask for a deposit, can you provide me an estimate for the cost of either: 1) you providing copies and sending them through email or mail; or, 2) the cost of me coming down to the office to make my own copies.”

6. A true and accurate copy of Relator's First Request is attached hereto as **Exhibit "A"**.
7. Alvo responded to Relator's First Request on Sunday, March 3, 2024, well outside the 4-day response time requirement. Alvo informed Realtor that they were unable to fulfill the request and that "the Village of Alvo asks that you follow the proper procedures for submitting an Open Records Request as outlined in Ordinance No. 2024-001 Section 2. You obtained a picture copy of this Ordinance on Feb 18th 2024." A true and accurate copy of Alvo's response is attached hereto as **Exhibit "B"**.
8. On May 16, 2024, Realtor issued another public record request ("Second Request") to Respondents seeking:

"...[A] copy of all records pertaining to the Alvo Fire Department, specifically financial statements, records of all current fire department members and their roles within the department, all agendas and meeting minutes, dues paid by members of the department, records detailing insurance purchased for the department and its members as well as any potential benefits they are receiving, as well as agendas and meeting minutes. The dates for these records requests would be all dates from January 1, 2017 through to present day. In addition to these records, I also need to obtain copies of Board of Trustees financial records of funds attributed to fire department purchases through the village General Fund, during this same time period. I also need to obtain copies of Meeting Minutes, Agendas, and all supporting documents presented during these meetings for the Alvo Board of Trustees with the dates beginning January 1, 1997 through to December 31, 2001 as well as July 1, 2019 through to December 31, 2007.
9. On May 26, 2024, Respondents responded to Realtor's Second Request outside of the 4-day statutory deadline claiming that Alvo has a month to make such responses because the Village of Alvo's hours of operation are Sunday(s) from 12 P.M. to 4 P.M. A true and accurate copy of Alvo's response is attached hereto as **Exhibit "C"**.
10. Respondents also quoted an unreasonable number of over \$2,500 to access such documents and to make her own personal copies.
11. Respondents then said it would take them until December 2024 to fulfill the Second Request.
12. Respondents request that this Court rule the 100 hour time quoted for the custodian of the records to comply with Nebraska law is unreasonable and that the Village of Alvo does not have an entire month to make a response to records requests pursuant to Neb. Rev. Stat. § 84-712. Realtor also asks that the Court evaluate whether it is reasonable for the Village to take over 5 months to satisfy the request.

13. On May 24, 2024, Realtor via her attorney, John D. Cartier, sent a third public records request and a cease and desist notice (“Third Request”) to take down several defamatory posts made about Realtor on the Village of Alvo’s website at Alvo.gov. Letter attached hereto as **Exhibit “D”**.
14. The Third Request asked that the Respondents produce, “[A] copy of all documentation, records, notes, communications, emails, text, calls, and recordings made as a result of the two articles written about Brandy Jordan on the village of alvo's website at <https://www.alvo.gov/general-5>.” And also requested, “[A] copy of all documentation, records, notes, communications, emails, text, calls, and recordings showing that the Alvo Volunteer Fire Department (“Fire Department”) was reinstated after they were dissolved by the Village Board of Trustees on or about December 2019.”
15. Respondent’s reply, attached hereto as **Exhibit “E”**, claim that there were no documents that existed for either request, and they further allege that the “Alvo Volunteer Fire Department was not subject to being dissolved, and therefore, reinstatement has not and would not be required.”
16. Realtor knows that this isn’t the truth, because she has an email dated December 28, 2019, from Kassi Koerner, Senior Public Safety Dispatcher from Lincoln Police Department/911 Communications Center saying, “Robin LaPage (402-540-5646) who is a chairman, contacted dispatch today and advised that she was putting Alvo Fire & Rescue out of service indefinitely. No one should be putting them back in service unless it is Robin. The above number is her cellphone.” Email attached hereto as **Exhibit “F”**.
17. Realtor knows that there must be some documentation from the Board of Trustees to reflect the decision in 2019 to dissolve the Fire Department.
18. For instance, Realtor has a recording of an Alvo Board of Trustees meeting in January 2020, where the Nebraska State Auditor came to discuss the issues of misuse of public funds, the chair of the board of trustees, Robin LaPage, announced during the meeting that she, “Put us out of service until further notice.”
19. Realtor requests this Court to demand Respondents to comply with its record requests for both the defamatory posts made online about Realtor, and to produce documentation governing the status of the Fire Department.
20. Alvo has been in violation of not only laws governing open records requests, but also many other state statutes on municipal governance. This includes falsifying public records in an attempt to make it seem like the Board has conformed to relevant statutes. Realtor has video evidence to show discrepancies between recorded meetings, and how the meeting minutes were then provided and subsequently altered.
21. On November 2, 2023, during an emergency meeting (“Nov. 2nd Meeting”) all attendees were identified in violation of Neb. Rev. Stat. § 84-1412. Meeting minutes attached hereto as **Exhibit “G”**.

22. On November 14, 2023, (“Nov. 14th Meeting”) all meeting attendees were identified including minors and those who did not address the body in violation of Neb. Rev. Stat. § 84-1412. Attached hereto as **Exhibit “H”**.
23. There was also no mention of a notice or where the agenda was posted within the community in violation of § 84-1411(d) for both the Nov. 2nd and 14th Meetings.
24. During the Nov. 14th Meeting the agenda was amended to add item #19, “discuss, consider, and vote on approval of October 3rd, 2023, Board of Trustee Meeting Minutes.” This was not an emergency item and is a violation of § 84-1411(e).
25. On the Nov. 14th Meeting there was also no mention of a vote taken to start an executive session of the Board, this was a violation of § 84-1410(2); this also happened during the Nov. 2nd Meeting.
 - a. The Nov. 14th Meeting did not include a vote record taken for the executive session, instead, Chairman Sullivan made a motion but there was no record of a vote. Community members were then told to get up and leave after Ms. Schueth told them they needed to leave. There was no timestamp provided for when the Board voted to go into executive session, but there is one for when they returned.
 - b. After the board members came back from the executive session, they voted in 10 Exhibits to Village of Alvo records and listed them as 2023-11-1, 2023-11-2, 2023-11-3, 2023-11-4, 2023-11-5, 2023-11-6, 2023-11-7, 2023-11-8, and 2023-11-10.
 - c. Agenda item #21 was then added to the agenda during the meeting in violation of § 84-1411(e).
26. On the December 5, 2023 meeting (“Dec. Meeting”) once again all the community members including minors and those who did not address the Board were identified by name in the minutes. Meeting minutes attached hereto as **Exhibit “I”**.
27. There was no mention of where the notices were published in the Dec. Meeting minutes nor was this addressed during the meeting.
 - a. The Dec. Meeting Minutes also indicate that “III. Review of Previous minutes / The minus of the previous meeting were reviewed and approved by a majority of those present. Vote: Yes- 3 No- 0 Abstain: 1 (Cathina Schueth) Absent: Larry Langer”.
 - b. But then there is Agenda Item #2 with another vote for the same thing.
28. During the Dec. Meeting there was no information on the agenda about an executive session that was called for “The Discussion and Review of the Village of Alvo’s Investigation.”
 - a. There was no time when the Board voted to go into executive session in violation of § 84-1412(2). Instead, Chairman Sullivan states that he is making a motion to go into executive session, and no one motions otherwise despite how provided meeting minutes were written.

Community members were then instructed to leave after Chairman Sullivan announces the next meeting.

- b. Page 5 of the meeting minutes reads: “*Village of Alvo Meeting Minutes typically completed by clerk/treasurer, clerk/treasurer currently vacant, duty and responsibility completed by Trustee Member present at meeting. Minutes approved by: Board of Trustees members (Devon Sullivan, Gary Estes, Roger Paul)(to be reviewed and corrected upon approval) *Trustee Cathina Schueth abstains. We the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Cathina Schueth are true and correct to the best of our knowledge and are part of the official records of this office.”
 - c. The Dec. Meeting minutes were then altered from what was posted publicly in the village office prior to the meeting on April 2, 2024, but were never posted in the Ashland Gazette.
29. On January 9, 2024, (“Jan. Meeting”) once again all the community attendees are identified whether or not they addressed the Board. Meeting minutes hereto as **Exhibit “J”**.
 30. There was again no mention of where the Jan. Meeting’s Notice was published. Also, for the entire month of January there was no notice or minutes published in the Ashland Gazette, there was only a notice posted in the window of the village office 24 hours before the meeting, a violation of § 84-1411.
 31. During the Jan. Meeting, the Board violated § 84-1412 when Relator was identified by name for an open records request she made, where they allege she did not comply with their requirement of a \$50 deposit even though she was not in attendance at the meeting.
 32. According to Jan. Meeting’s minutes, the time of the executive session was not stated in violation of § 84-1410.
 - a. Once again, the executive session had no votes recorded on camera as was the case with the prior meetings.
 33. On February 6, 2024, (“Feb. 6th Meeting”) Ordinance 2024-001, Resolution 2024-001, and 2024-002 were voted in with only 3 of 5 Board members present including the Chairman. There was no majority present pursuant to Neb. Rev. Stat. § 17-616. Meeting minutes hereto as **Exhibit “K”**. The minutes, and video recorded meeting, also indicated that the next meeting was to be held on May 7, 2024, not once mentioning a February 20th meeting the Board subsequently held.
 34. Alvo also violated the reading mandate required by § 17-614 during the Feb. 6th Meeting. Alvo did not read the Ordinance or Resolutions as mandated during the first half of the meeting before the Board of Trustees went into executive session.
 35. During the Feb. 6th Meeting all of the attending members of the public were once again identified even if they did not address the Board.

36. The location of the meeting notification within the Village was also not provided during the Feb. Meeting.
37. There was no mention of waiving the three readings by anyone in the meeting up until Chairman Sullivan adjourned the meeting to reopen back into executive session. According to the minutes, which were voted in as record and published, the three readings were waived at the time that the votes were cast, however, that is not factual, there is video evidence to show the readings were never discussed up through the meeting until Chairman Sullivan dismissed the meeting and resumed into executive session.
38. Page 5 of the Feb. 6th Meeting Minutes reads: “Minutes completed by: Clerk/Treasurer Amanda Shinkle. We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Amanda Shinkle true and correct to the best of our knowledge and are part of the official records of this office.”
39. According to the agenda, attached hereto as **Exhibit “L”**, as it was presented to the public for the Feb. 20th Meeting, the purpose of that executive session was to discuss the “Workshop with GBE CPA for the Village of Alvo to improve internal process and procedures.”
40. According to Cathina Schueth’s notes, she made a motion to add a secondary executive session with no indication on the subject matter. Schueth’s notes attached hereto as **Exhibit “M”**. The notes indicated that the Board added to the agenda a secondary executive session to discuss a matter with no subject matter identified. The Agenda has the first listed as “Adjourn to Executive Session for the Workshop with GBE CPA for the Village of Alvo to improve internal processes and procedures.”
 - a. That amendment created two separate subjects for executive sessions; it is unclear whether that means there were two executive sessions or if one session included two subject matters.
 - b. There was no emergency that warranted amending the agenda for a second executive session in violation of § 84-1411.
41. During the Feb. 6th Meeting, minor children and those who did not address the Board were identified in the meeting minutes.
42. There has only been notice of meetings published with the Ashland Gazette for Dec. 5th, Jan. 9th, and Feb. 20th Meetings.
43. The ordinances and resolutions that were passed during the Feb. 6th Meeting were not given 15 days after passing to become effective in violation of § 14-211. This was also the case for additional ordinances and resolutions since October.
44. Furthermore, since Ordinance 2024-001 and Resolutions 2024-001 and 2024-002 were not read three times, procedure to waive the readings was not done at the time of vote, and there were less than the majority of the Board present (3 out of 5), these ordinances should be nullified.

- a. If nullified, then these topics can never be voted on again by the Board pursuant to § 84-1411, and *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
45. On March 5, 2024, (“March Meeting”), substantial violations of Nebraska law again took place. Meeting minutes hereto as **Exhibit “N”**.
 46. During the March Meeting, all attendees were identified by name including minor children.
 47. The March Meeting’s minutes also made no record of where the statutorily required notices were published. This meeting was not published in the Ashland Gazette where other notices have been placed.
 48. The March Meeting did not include a vote record taken for an executive session. Chairman Sullivan once again makes a motion to adjourn, no votes are taken, and then community members are told to leave.
 49. The March Meeting’s minutes read “The minutes of the previous meeting were reviewed and approved by a majority of those present.” This also happened during the Jan. and Feb. Meetings.
 - a. This does not identify what minutes were approved, as the Feb. 20th Meeting and March Meeting minutes were approved during the April meeting.
 - b. Based on video recordings of the March Meeting, there was never a verbal motion to approve any minutes.
 50. During the March Meeting, Ms. Schueth motions to amend the agenda to add various payments as well as changing verbiage to vote to hire a village attorney. This could not have been an emergency in nature as the village had not had an attorney during the past 3 years. The payments were also not an emergency.
 51. During the March Meeting, Realtor asked three questions all within a three minute time period that was permitted to address the Board. Realtor then asked her third question which questioned what gave the Board of Trustee’s authority to override state statute for open records. Realtor then was told that it was not a Q&A by Mr. Paul, despite all other community members being able to ask questions of the Board and receive responses.
 52. The March Meeting’s minutes were then amended after it was posted and after it was handed out to community members during that meeting and prior to the April 2, 2024 meeting. During this meeting and after the minutes for February meetings were voted to be approved by the Board, Realtor stated that she believed the meeting was violating the Open Meetings Act, that she believed it to no longer be a legal meeting, and suggested that all in attendance leave.
 - a. As noted in the March meeting minutes, clerk Amanda Shinkle notes that “Citizen Robin LaPage and Brandy Jordan disrupted the meeting to announce that amending the agenda before approval of the agenda is not allowed and makes the meeting illegal. Brandy Jordan states that it was

- an illegal action and that everyone should leave due to the meeting being illegal. Brandy and Robin are the only two that left the Village Hall.”
53. On April 2, 2024, (“April Meeting”), the Board approved minutes for both Feb. and March Meetings as Agenda items 1 and 2. Meeting minutes attached hereto as **Exhibit “O”**.
54. The April Meeting, and especially the Agenda item #4 should be nullified because they could not have approved Ms. Schueth or Chairman Sullivan as firefighters without a proper quorum. They voted Ty Fellhauser, Scott Barnes, and Elliot Silva as members of the Fire Department but when it came time to vote for Devon Sullivan and Cathina Schueth, the Board acknowledged that they did not have quorum with Sullivan and Schueth recused themselves from the vote. So in effect, they acknowledged that they did not have a quorum with only three votes.
- a. It was also during this April Meeting, once the Board voted to approve the minutes of the previous meetings, that the Realtor stated that she believed the meeting to be in violation of the Open Meetings Act, that she believed it was no longer a legal meeting, and suggested that everyone in attendance leave.
 - b. The Board stated in the minutes that, “citizen Brandy Jordan outburst declaring “the meeting is now an illegal meeting and I suggest everyone leave.”
55. During the April Meeting, the Board also voted to designate a checking account as a community events account, and voted to use \$1,000 of the funds to pay for a raffle, to take place during Alvo Days in June. Attached hereto as **Exhibit “P”**, is a notice showing the raffle giving away a “home defense 12 gauge pump shotgun” and a “Community Preparedness Training Center, LLC, 10 - One Day Passes” hosted by Board Member Larry Langer, and former member of the Oath Keepers, an American far-right anti-government militia whose leaders have been convicted of violently opposing the government of the United States, including the transfer of presidential power as prescribed by the United States constitution.
- a. This Raffle was scheduled to take place June 1, 2024.
56. Pursuant to Chapter 35: Charitable Gaming Regulations – Lotteries & Raffles, Section 400.11, "No county or incorporated municipality may authorize a lottery or raffle which has not been approved and licensed by the Department."
57. On May 20, 2024, the Board of Trustees had an emergency meeting (“May Emergency Meeting”).
58. For this meeting, notice of the meeting was published but was only three hours before the meeting. And the May Emergency Meeting minutes were published in the Ashland Gazette on June 21, 2024.
59. The Public Records Act strictly states the requirements for the response time and the manner of addressing public records requests. Even if the Village

- Ordinance was found to somehow supersede Nebraska law, it is apparent that the ordinances were passed in violation of Nebraska law, rendering them void.
60. Relator is entitled by law to a proper response to the Request.
 61. Alvo violated Relator's rights under the Public Records Act by providing legally insufficient and invalid answers.
 62. Relator further alleges that all documents responsive to its requests are "public records" under the Nebraska' Public Records Act.
 63. Relator also notes that since approximately October 2023, since Cathina Schueth began to run the Board, every community member who attends monthly Board meetings is identified in the minutes whether or not the person actually addresses the body, including minor children as evidenced in minutes posted from the Feb. 6th Meeting.
 64. Realtor requests that this Court issue a peremptory writ of mandamus to Respondents commanding them to provide a legally accurate cost estimate in response to Relator's Request, particularly addressing the question of the costs associated with the Realtor going in person and making copies during office hours with their own equipment.
 65. Alternatively, if the Court declines to issue a peremptory writ mandamus, Relator requests that the Court issue an alternative writ of mandamus compelling Respondent either to immediately provide the records requested by Relator, including a legally sufficient cost estimate, or show cause by a date certain why they decline to provide a legally sufficient cost estimate by promptly answering the allegations in the mandamus petition and this Complaint, and upon the filing of such Answer, to set a date for the trial of this case at the earliest practicable date.
 66. Relator also requests that this court issue an order declaring void any open meetings and therefore City Ordinances and resolutions that are found to have been passed in violation of Nebraska law, including Ordinance 2024-001, Resolutions 2024-001, and 2024-002. Relator also further requests that the subject matter of any Ordinances and Resolutions passed during a voided meeting be disqualified from ever again being brought to a matter of a vote from the Alvo Board of Trustees.
 67. Relator requests that this court issue an order to Alvo to immediately stop all practices found in violation of Nebraska law, including reading into the meeting minutes all attendees, even those who do not address the body, during public meetings pursuant to Neb. Rev. Stat. 84-1412(3).
 68. Realtor notes that following her filing the Petition on March 6, 2024, she received in the mail a letter requesting an annual pet licensing registration fee and late fee for payments past March 4, 2024.
 - a. Realtor also received a copy of the village ordinance which does not state a dollar amount for pet registration or indicate any late fee.
 - b. Realtor acknowledges that a dollar amount for pet registration is not listed in village ordinance until the master fee schedule was unlawfully

passed during the February 6th Meeting without a proper quorum and other violations of open meeting statutes.

- c. On April 14, 2024, Realtor visited the village office to verify that other delinquent letters had been sent out.
 - i. Ms. Shinkle during the encounter stated to the Realtor she does not keep a clerk's journal, she only keeps an excel file of her hours worked. She also confirmed they do not do a clerk's report.
 - ii. This practice by Ms. Shinkle would appear to violate Neb. Rev. Stats. §§ 17-605, 606.
69. Pursuant to Nev. Rev. Stat. § 84-1414(4) Relator requests that this Court refer to the Cass County Attorney for prosecution any member of the public body who has knowingly violated or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act as they shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.
70. Relator also requests this Court refer for prosecution any public records which are found to have been altered pursuant to § 28-911.
71. Relator also requests this Court to address the violations of Nebraska Charitable Gaming Regulations by the Defendants hosting an illegal raffle using public funds.
72. The Village of Alvo ended up having the raffle hosted by the Village of Alvo and the Alvo Fire Department. Initially a Nonprofit Organization ("NPO") was to funnel the funds raised as the Fire Department has no raffle designated account but representatives of the NPO made the decision to not partake.
73. Instead, the Village of Alvo made the decision to funnel those funds to the Fire Department instead according to a letter issued on alvo.gov.
74. It was during the Alvo Days where the recently acquired fire truck was debuted, though there have been no public votes to purchase said vehicle by the Board of Trustees.
75. Furthermore, public property was also used for the Alvo Days event, showing that any money raised during the event was public funds that are subject to having to be voted upon before being used.
76. To date, there has been no evidence of where those funds were deposited nor any announcement of how much was raised. As evidenced by the meeting from December 2019, the Fire Department accounts have always been under village control meaning that they are public funds to be spent through public votes.
77. There has never been a public vote made by the Board to spend a cent on the Fire Department. The closest they have gotten is an announcement made by Chair Sullivan that the amount received from Glantz which was deposited into the village General account was moved to the Fire Department account as evidenced in the minutes from May 2, 2023.

78. There was no vote taken to do so, only an announcement. According to the 2023 audit waiver, those funds have been spent but there has never been a public vote taken to spend them.
79. It has come to the attention of Realtor that Larry Langer, a member of the Board of Trustees, does not live at an Alvo address he claims is his residence.
80. Mr. Langer claims he resides on 310 Harrison St., commercial property. The Register of Deeds shows that 310 Harrison St., was sold to Grizzly Holdings, LLC.
81. Realtor and her attorney both contacted Alli Beach of Grizzly Holdings, LLC, and she confirmed that there is nobody living at that address.
82. Pursuant to § 23-2908, all trustees must be a resident of the township for the board they serve on.
83. Realtor requests this Court hold that Mr. Langer is not a lawful member of the Board of Trustees; subjecting all meetings and votes he has been a part of to be voided.
84. Relator requests that this matter “take precedence on the trial docket over all other cases... to be assigned for hearing, trial, or argument at the earliest practicable date and [be] expedited in every way” pursuant to Neb. Rev. Stat. § 84-712.03(3).
85. Realtor requests that the Court assess against Respondents reasonable attorney fees and other litigation costs reasonably incurred by Relator under Neb. Rev. Stat. § 84-712.07 and under the relevant Nebraska Open Meetings Act statutes
86. Since moving to Alvo on or about August 2020, Realtor and her family have been retaliated against by the Village of Alvo and its officials after engaging in her first amendment right to free speech.
87. Right after Realtor began going to Board of Trustees meetings in 2021, and expressing her opinion on how things were being run, and after creating a website that discussed the Village of Alvos matters, she was immediately retaliated against, and has since been dealing with overt actions of retaliation from the Respondents.
88. On June 29, 2021, Larry Langer attempted to run over Realtor’s husband, Nathan Jordan, and another party Dennis Tempelmeyer. This prompted a police reported to be filed # CS21061224
89. On November 5, 2022, Chris Juilfs drove by Realtor’s home, stopping on Fletcher/East 1st Street, to yell to demand at Realtor that she hand over the WireBuilt website she created for the Village of Alvo, stating that, “These people have more money” than Realtor does and that they will sue for it. Report # CS22110175.
90. During a November 7, 2022, Board of Trustees meeting, the board publicly accuses Reatlror and her husband of stealing the website that has always been owned by WireBuilt. Larry Langer calls Realtor a thief, and the minutes of which were then voted on by all current Trustees.

91. On November 9, 2022, Realtor woke up after the day of the election to discover that her car was coated in a yellow substance that smelled and looked like urine.
92. During Mid November 2022, Realtor received numerous emails from the then-village-clerk, Raider Rhotenacher, insisting the website owned by WireBuilt be handed over to the village or be terminated, or litigation would be pursued.
93. On February 18, 2024, Realtor and her husband went to make copies of the Village of Alvo ordinances and other documents that were denied up to that date, and the Respondent had both removed by the sheriff because, "They were not paying for those documents."
94. On March 5, 2024, once the minutes were approved and voted in, Realtor made the statement that the meeting was now violating Nebraska Open Meetings Act, that it was no longer legal, and suggested that everyone leave. The mention of this in the minutes that it was a "disruption."
95. During the meeting on April 2, 2024, Realtor waited until her neighbors asked their questions and got answers during public comments. Realtor than asked two questions: Where the model for Ordinance 2024-001 was obtained, from what city, and if they had obtained legal advice in creating that ordinance. She then asked her final question, well under the 3 minutes permitted, which was "What statute are the Board of Trustees is following which permits them to overrule state statute for open records requests?"
96. Realtor was then told by Board Member Roger Paul that this was not a Q&A as it states on the Agenda.
97. On May 22, 2024, there was an article published on Alvo.gov that falsely accused Realtor of making a fake police report and that Realtor was under a Cass County Sheriff's investigation and reportedly could receive charges.
98. On May 26, 2024, there were two versions of a letter published on Alvo.gov with libelous claims about Realtor's profession and her character. Realtor's attorney then sent a cease and desist notice to Respondents to take it down as well as the May 22nd article, however, at the date of this Complaint they are still published online.
99. On May 31, 2024, Alvo's new fire truck drove by Realtor's house and the passenger on the back of the truck gave her house the middle finger.
100. In June 2024, while driving on Realtor's Mule with her five-year-old daughter, Realtor's spouse and daughter were then given the middle finger by the current fire chief Chris Juliffs as they drove by his home.

**FIRST CLAIM FOR RELIEF
REALTOR'S OPEN RECORD REQUESTS**

101. Realtor refers to and incorporates by reference each and every allegation of Paragraphs 1 through 100 above as fully set forth herein.

102. The Respondents answers to Realtor's First, Second, and Third Requests for public records is legally deficient for one or more of the following reasons:

- a. Failure to respond to the requests on time;
- b. Failure to provide documents that are responsive to Realtor's Requests; and,
- c. Providing unreasonable cost estimates in violation of Nebraska law.

WHEREFORE, Realtor respectfully pray that the Court enter issue a peremptory writ of mandamus compelling Respondent to provide a legally accurate cost estimate to Relator and provide documents that are responsive to Plaintiff's record requests; or, alternatively if the Court declines to issue a peremptory writ mandamus, Relator requests that the Court issue an alternative writ of mandamus compelling Respondent either to immediately provide the records requested by Relator, including a legally sufficient cost estimate, or show cause by a date certain why they decline to provide a legally sufficient cost estimate by promptly answering the allegations in the mandamus petition and this Complaint, and upon the filing of such Answer, to set a date for the trial of this case at the earliest practicable date; orders the Respondents to pay Plaintiffs' reasonable attorneys fees and court costs pursuant to § 84-712.07, and which grants in favor of the Realtor and against the Respondents such other and further relief as the Court may deem just and equitable.

**SECOND CLAIM FOR RELIEF
VOIDING ILLEGAL BOARD OF TRUSTEE MEETINGS**

103. Realtor refers to and incorporates by reference each and every allegation of Paragraphs 1 through 100 above as fully set forth herein.

104. All of the Board of Trustees Meetings from November 2023, through May 2024 were in violation of the Opens Meeting Act, Neb. Rev. Stat. §§ 84-1407 through 1414 (Reissue 1999 and Cum. Supp. 2004), for one or more of the following reasons:

- a. The failure to give reasonable advance publicized notice of the time and place of said meetings;
- b. Failure to record the methods, dates, and place of a meeting's publicized notice in its meeting minutes;
- c. The failure to vote upon items with a legally sufficient quorum;
- d. The creation and addition of an item to the agenda later than twenty-four hours before said meeting and without the existence of an emergency;
- e. Identifying all members of the public who show up to meetings, including minors, even if they do not address the Board of Trustees;
- f. Failure to provide three separate public meetings for Ordinance 2024-001 and Resolutions 2024-001 and 2024-002 as well as failure to

vote to waive the three readings as required by (statute) for the February 6, 2024 meeting.

105. Pursuant to Neb. Rev. Stat. § 84-1414 any formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if suit is brought within 120 days of the meeting of the public body at which the violation occurred.
106. All these meetings of Respondents were illegal and unlawful, and as such all ordinances and resolutions are void, thus voiding Ordinances 2024-001, 2024-002, 2024-003, 2024-004, Resolutions 2024-001, and 2024-002.

WHEREFORE, the Realtor respectfully pray that the Court enter a temporary restraining order and a temporary injunction enjoying the effectiveness of the Village of Alvo's Ordinance Nos. 2024-001, 002, 003, and 004 and also enjoining the Respondents and their officers, agents, servants, employees, and attorneys from commencing or taking action implementing the Village of Alvo's Ordinance Nos. 2024-001, 002, 003, and 004 and that the Court enter a Judgment in favor of Realtor and against the Respondents which declares and holds that Ordinance Nos. 2024-001, 002, 003, and 004 are void, unlawful, and of no effect, which permanently enjoins the effectiveness and enforcement of said ordinance, which pursuant to Neb. Rev. Stat. § 84-1414(3) (Cum. Supp. 2004) orders the Respondents to pay the Plaintiffs' reasonable attorney fees and court costs, and which grants in favor of the Realtor and against the Respondents such other and further relief as the Court may deem just and equitable.

**THIRD CLAIM FOR RELIEF
ENJOINING INVALID TRUSTEE**

107. Realtor refers to and incorporates by reference each and every allegation of Paragraphs 1 through 100 above as fully set forth herein.
108. Pursuant to § 23-2908, all trustees must be a resident of the township for the board they serve on.
109. Alvo Board of Trustees member, Larry Langer, is not a resident of the Village of Alvo and is therefore an illegal member.
110. Realtor has no adequate remedy at law and will suffer irreparable injury if the Village of Alvo continues to operate with an invalid Trustee. Such irreparable injury would involve loss of effective governmental services, and interference with the orderly administration of government.

WHEREFORE, Realtor respectfully pray that the Court enter a temporary restraining order and a temporary injunction enjoining Larry Langer from participating on the Alvo Board of Trustees and from being able to vote on any issue or take any actions in connection to his role as Trustee.

**FOURTH CLAIM FOR RELIEF
ENJOINING MISUSE OF PUBLIC FUNDS**

111. Realtor refers to and incorporates by reference each and every allegation of Paragraphs 1 through 100 above as fully set forth herein.
112. According to records available to Realtor, there was a decision by Respondents to dissolve the Fire Department sometime in December, 2019.
113. Since that time, there has been no public vote by the Respondents to reinstate the Fire Department and to create and designate a bank account or trust fund to handle money spent and raised by the Fire Department.
114. Once the village received restitution paid from former fire chief Ben Glantz, those funds were put into the village general account. During the May 2, 2023, meeting, Chairman Devon Sullivan made the announcement that those funds were transferred from the general account to one of the two fire department accounts. There was no vote to do so, only an announcement.
115. In recent months, there was a purchase by Respondents for a fire truck at an undisclosed amount with no public vote. The two accounts held by the village for the fire department have never been voted on to be issued to use under a trust. Without being able to verify transactions within the four bank accounts held by the village, there is no way to determine how funds have been transferred for the fire department, which had been dismantled as of December, 2019.
116. Realtor has no adequate remedy at law and will suffer irreparable injury if the Village of Alvo continues to misuse public funds. Such irreparable injury would involve loss of effective governmental services, and interference with the orderly administration of government.

WHEREFORE, Realtor respectfully pray that the Court enter a temporary restraining order and a temporary injunction enjoining the Village of Alvo from misusing public funds without votes that is required by Nebraska law.

**FIFTH CLAIM FOR RELIEF
ENJOINING DEFAMATION BY RESPONDENTS**

117. Realtor refers to and incorporates by reference each and every allegation of Paragraphs 1 through 100 above as fully set forth herein.
118. In May 2024, Respondents created a Village of Alvo website with the domain of Alvo.gov.
119. Since that time the Respondents have misused village resources to publish several defamatory articles about Realtor.
120. One article, entitled, 5-26-2024 Village of Alvo 2024 Alvo Days Raffle, defames Realtor by saying:

The Alvo resident claiming to be a community developer appears to lack the essential skills needed to promote positive growth, improvement, and sustainability within any community. They demonstrate a failure to collaborate effectively with community members, local organizations, and government agencies to identify needs, develop strategies, and implement initiatives aimed at enhancing various aspects of community life. Rather than promoting empowerment and inclusivity, this individual's actions appear to hinder progress and propagate unsubstantiated opinions devoid of factual basis. Unlike the ultimate goal of a community developer, which is to empower residents and create a vibrant, inclusive, and thriving community, there is no evidence to suggest that this individual has contributed to achieving these objectives in any meaningful way within the Village of Alvo.

121. Realtor has no adequate remedy at law and will suffer irreparable injury if the Village of Alvo continues to misuse public funds to defame Realtor. Such irreparable injury would involve defamation to Realtor's character and choice of profession, and interference with Realtor's practice of her profession of Community Developer.

WHEREFORE, Realtor respectfully pray that the Court enter a temporary restraining order and a temporary injunction enjoining Respondents from using Alvo.gov to defame Realtor's character and profession, and to immediately remove such articles that references Realtor, and to issue an apology on Alvo.gov to Realtor for misusing public funds with defamatory acts.

SIXTH CLAIM FOR RELIEF
42 U.S. CODE § 1983 - FIRST AMENDMENT ACTION FOR RETALIATION IN
DEPRIVATION OF CIVIL RIGHTS

122. Realtor refers to and incorporates by reference each and every allegation of Paragraphs 1 through 81 above as fully set forth herein.
123. Defendant Village of Alvo acted under color of state law by retaliating against Realtor after she engaged in constitutionally protected speech under the First Amendment of the United States Constitution.
124. Respondent, Village of Alvo, acted under color of state law by retaliating against Realtor through repeated instances of hostile actions towards her and her family and by using public resources to publicly defame Realtor.
125. Realtor's participating during Board of Trustees meetings, running an informational website for the village, and her current litigation are all entitled to First Amendment protection as an expression of speech.

126. Realtor has a clearly established constitutional right to express her disapproval and disagreement with the mismanagement of village resources and continued violations of open meeting and open record statutes.
127. Respondent's actions are an adverse action taken in retaliation for Realtor's exercise of constitutionally protected speech and expression.
128. The adverse actions taken against Realtor and her family-such as public defamation, verbal threats, and physical threats-would substantially interfere with the exercise of First Amendment freedoms by deterring a person of ordinary firmness from further expressing disapproval and disagreement with Respondent's actions.
129. As a direct and proximate result of Respondent's violations of the First Amendment, Realtor has suffered irreparable harm, including the loss of her clearly established fundamental constitutional right to free speech and expression, entitling her to declaratory and injunctive relief and damages.

WHEREFORE, Realtor pray that this Court issue a temporary restraining order and a temporary injunction enjoining Respondents from using Alvo.gov to defame Realtor's character and profession, and to immediately remove such articles that references Realtor, and to issue an apology on Alvo.gov to Realtor for misusing public funds with defamatory acts, and to stop targeting Realtor and her family with retaliatory acts. Realtor also requests compensatory damages to address the loss of her constitutional rights and emotional distress damages. Realtor also requests the award of attorney's fees and costs under 42 U.S.C. § 1983(b).

PRAYERS FOR RELIEF

WHEREFORE, Relator requests that the Court issue a peremptory writ of mandamus compelling Respondent to provide a legally accurate cost estimate to Relator and provide documents that are responsive to Plaintiff's record requests; furthermore, Relator requests that the Court issue an alternative writ of mandamus as described above; that this Court declare void all open meetings, ordinances, and resolutions passed in violation of Nebraska law; this Court issue an order to Respondents commanding them to stop violating open records requests law, open meetings law, and any other relevant Nebraska statutes; hold that Mr. Langer is not a valid resident of the Village of Alvo and an invalid member of the Board of Trustees;, subjecting all meetings he has been a part of and matters he's voted on to be voided; refer this case for prosecution pursuant to Nev. Rev. Stat. §§ 84-1414(4), 28-911; that this Court addresses the violations of Nebraska Charitable Gaming Regulations and statutes governing how public funds are to be governed; that this matter be promptly set for trial; that this Court hold that Realtor's First Amendment Rights were violated; and that the Court assess against the Respondent reasonable attorney fees and litigation costs reasonably incurred by Relator.

DATED this 24th day of June, 2024.

BRANDY JORDAN,

/s/ John D. Cartier /s/

John D. Cartier #26307

Cartier Law, LLC

PO Box 5241

Lincoln, Nebraska 68505

(954) 319-9832

johncartierlaw@gmail.com

Open Records Request

Brandy Jordan <brandyjordan402@gmail.com>

Fri, Feb 23, 2024 at 2:29 PM

To: villageofalvo@outlook.com

Bcc: johncartierlaw@gmail.com

February 23, 2024

Village of Alvo
SENT VIA EMAIL

To Whom it May Concern:

This is a records request pursuant to Neb. Rev. Stat. 84-712. I am seeking a copy of all emails, text messages, transcripts, written or verbal communications, and all documentation and recordings made during November 7, 2023, December 5, 2023, January 9, 2024 and February 6, 2024 board of trustee's monthly meetings. If you cannot provide copies, then I am requesting a time and date for me to come in and for myself to make my own copies.

Before you ask for a deposit, can you provide me an estimate for the cost of either:

- 1) you providing copies and sending them through email or mail; or,
- 2) the cost of me coming down to the office to make my own copies.

State law says open records requests must be filled **within four business days**. If you have questions about this request, please contact me at (402)613-8369 or email at brandyjordan402@gmail.com. You can email the materials to me, or place them in the mail to me at my ADDRESS. My preference is a digital copy.

Thank you in advance for your assistance,

Brandy

----- Forwarded message -----

From: **Alvo Village** <villageofalvo@outlook.com>
Date: Sun, Mar 3, 2024 at 6:34 PM
Subject: RE: Open Records Request
To: Brandy Jordan <brandyjordan402@gmail.com>

Brandy,

I would like to inform you that in order to fulfill your request, the Village of Alvo asks that you follow the proper procedures for submitting an Open Records Request as outlined in Ordinance No. 2024-001 Section 2. You obtained a picture copy of this Ordinance on Feb 18th 2024.

Respectfully,

Amanda Shinkle

Village of Alvo

Clerk/Treasurer

[135 Main Street](#)

[Alvo, NE 68304](#)

villageofalvo@outlook.com

402-781-9201

Open Records Request

Brandy Jordan <brandyjordan402@gmail.com>
To: John Cartier <johncartierlaw@gmail.com>

Sun, May 26, 2024 at 5:02 PM

----- Forwarded message -----

From: **Alvo Village** <villageofalvo@outlook.com>
Date: Sun, May 26, 2024, 4:04 PM
Subject: RE: Open Records Request
To: Brandy Jordan <brandyjordan402@gmail.com>

May 26, 2024

Brandy Jordan

440 East 1st Street

Alvo, NE 68304

RE: 5/16/2024 Open Records Request

Dear Brandy Jordan:

The Village of Alvo thanks you for your public records request;

[Quoted text hidden]

The Village of Alvo received your request on May 19, 2024. The Village of Alvo wishes to remind you that the Village of Alvo's' hours of operation are Sunday(s) from 12 P.M. to 4 P.M. and the first Tuesday of each month from 5 P.M. to 8 P.M. with the Board of Trustees meeting starting at 7:30 P.M. To avoid delays in responses it is suggested that consideration of these hours of operation be taken before submitting requests.

The Village of Alvo regrets to inform you that your May 16, 2024 Open Records Request cannot with reasonably good faith efforts be fulfilled within four business days after actual receipt of the request due to the extensiveness of your request. Additionally, taking into consideration the Village of Alvo's hours of operation it will be significantly difficult for the clerk/treasurer to process an Open Records Request of this volume. Please note the four business days emphasized in your Open Record Request regarding Neb. Rev. Stat. 84-712 are computed by excluding the day the request is received, after which the designated period of time begins to run. Business day does not include a Saturday, or a day during which the offices of the custodian of the public records are closed.

The cost of copies, even electronically provided copies, is \$0.25 per page. The actual added cost of making the copies available shall not exceed the amount of the reasonably calculated actual added cost of the copies, which includes the cost of computer time, paper, toner and equipment used to prepare the copies. Additionally, there is payment obligations for the custodian of public records' (Village of Alvo clerk/treasurer) cumulative time spent determining the existence and/or locating the requested records, sealing confidential and personal information, determining attorney/client records related to preparation for litigation, identifying any other records not deemed public records, making copies and returning records to the proper files.

The Village of Alvo is committed to fulfilling your Open Records Request with the earliest practicable date for fulfilling your Open Records

Request being 12/8/024. With your request being 24 years of records and over 100 hours of workload, excluding the initial 8 hours, the Village of Alvo estimates the expected cost of your Open Records Request to be \$4,493.26. A deposit of 50% of the expected cost must be paid to the Village of Alvo before the Open Records Request is filled, the remaining amount will be due upon completion and pick up/scanning/electronic transmission/ mailing of your 2Open record Request. Please note this is an estimation of the expected costs, the fees may increase or decrease. Please let the Village of Alvo know the priority of the items in the request within 10 business days. If no response is received within 10 business days, your Open Records Request will be withdrawn and the custodian of public records will not proceed with fulfilling your Open Records Request.

Employee Job Title	Hours	Description of Work	Unit Cost	Expected Cost
Clerk/Treasurer (record custodian)	100	Responsiveness review/organize	\$25.00 Per Hour	\$2,500.00
Village Attorney		Responsiveness review/advise	\$200 Per Hour	\$0.00

Item Name	Estimated Number of Pages	Description of Item	Unit Cost	Expected Cost
1-1-2017 To 5-16-2024	616 77mo.s * 8 separate records	Alvo Fire Department- financial statements, records of all current fire department members and their roles within the department, all agendas and meeting minutes, dues paid by members of the department, records detailing insurance purchased for the department and its members as well as any potential benefits they are receiving, Board of Trustees financial records of funds attributed to fire department purchases through the village General Fund	Paper copy- \$0.25 Per Page Postage- USPS rate for large envelope starts at \$1.39, maximum weight is 13 oz., additional charges by USPS may apply Scanned/electronic transmittal- \$1.00 Per Page Brandy Jordan scanning documents	Paper Copy- \$154.00 USPS Postage- \$856.24 Additional charges by USPS my apply, or be deducted Scanned/electronic transmittal- \$616.00 Brandy Jordan scanning already printed, stamped with Village of Alvo seal, and accessible to the public with personal

			<p>already printed, stamped with Village of Alvo seal, and accessible to the public with personal scanner- \$0.00</p> <p>Brandy Jordan scanning documents not already printed, not stamped with Village of Alvo seal, and accessible to the public with personal scanner- \$0.25 Per Page</p>	<p>scanner</p> <p>- \$0.00</p> <p>Brandy Jordan scanning documents not already printed, not stamped with Village of Alvo seal, and accessible to the public with personal scanner</p> <p>- \$154.00</p>
<p>1-1-1997</p> <p>To</p> <p>12-31-2001</p>	<p>360</p> <p>60mo.s * 6 separate records</p>	<p>Meeting Minutes, Agendas, and all supporting documents presented during meetings for the Alvo Board of Trustees</p>	<p>Paper copy- \$0.25 Per Page</p> <p>Postage-</p> <p>USPS rate for large envelope starts at \$1.39, maximum weight is 13 oz., additional charges by USPS may apply</p> <p>Scanned/electronic transmittal-</p> <p>\$1.00 Per Page</p> <p>Brandy Jordan scanning documents already printed, stamped with Village of Alvo seal, and accessible to the public with personal scanner- \$0.00</p>	<p>Paper Copy-</p> <p>\$90.00</p> <p>USPS Postage- \$500.40</p> <p>Additional charges by USPS may apply, or be deduced</p> <p>Scanned/electronic transmittal- \$360.00</p> <p>Brandy Jordan scanning already printed, stamped with Village of Alvo seal, and accessible to the public with personal scanner</p> <p>- \$0.00</p> <p>Brandy Jordan scanning documents not already printed, not stamped with Village of Alvo seal,</p>

			Brandy Jordan scanning documents not already printed, not stamped with Village of Alvo seal, and accessible to the public with personal scanner- \$0.25 Per Page	and accessible to the public with personal scanner - \$90.00
12-31-2007 To 7-1-2019	834 139mo.s * 6 separate records	Meeting Minutes, Agendas, and all supporting documents presented during meetings for the Alvo Board of Trustees	<p>Paper copy- .25 Per Page</p> <p>Postage- USPS rate for large envelope starts at \$1.39, maximum weight is 13 oz., additional charges by USPS may apply</p> <p>Scanned/electronic transmittal- \$1.00 Per Page</p> <p>Brandy Jordan scanning documents already printed, stamped with Village of Alvo seal, and accessible to the public with personal scanner- \$0.00</p> <p>Brandy Jordan scanning documents not already printed, not stamped with Village of Alvo seal, and accessible to the public with personal scanner- \$0.25 Per Page</p>	<p>Paper Copy- \$208.50</p> <p>USPS Postage- \$1,159.26</p> <p>Additional charges by USPS may apply, or be deducted</p> <p>Scanned/electronic transmittal- \$834.00</p> <p>Brandy Jordan scanning already printed, stamped with Village of Alvo seal, and accessible to the public with personal scanner - \$0.00</p> <p>Brandy Jordan scanning documents not already printed, not stamped with Village of Alvo seal, and accessible to the public with personal scanner - \$208.50</p>

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Please note that under public records laws, the first eight hours of staff are free. The full cost for the time spent by the Village of Alvo, to retrieve the information, is outlined above.

The Village of Alvo requires payment of deposit prior to moving forward with the responding request. **Please**, only send the amount of the deposit requested as time, estimates are just estimates. The Village of Alvo will send you the final time and billing amount once the Open Records Request is completed.

*Please be advised that cost is an estimate. The final cost may be more, or less, depending on the actual time and cost expended by the Village of Alvo in responding to your public records request.

If you intend to proceed with the foregoing, please send a check payable to the Village of Alvo.

All payments must be sent to **Village of Alvo, P.O. Box 408, Eagle, NE 68437.**

Given the volume of your request, current hours and workload of the Village of Alvo record custodian, the Village of Alvo expects to be able to fulfill your request by 12/08/2024. However, this time frame is an estimate and may change going forward with the search and review process.

If the information is available prior to the estimated date, it will be promptly sent to you upon payment of the full balance of the costs.

Thank you,

Amanda Shinkle | Village of Alvo

Clerk/Treasurer

135 Main St| Alvo, NE 68304

Phone: 402-781-9201

[Quoted text hidden]



May 24, 2024

Ms Shinkle:

This is an open records request pursuant to Neb. Rev. Stat. 84-712. I am seeking a copy of all documentation, records, notes, communications, emails, text, calls, and recordings made as a result of the two articles written about Brandy Jordan on the village of alvo's website at <https://www.alvo.gov/general-5>.

The two articles are:

- 5-22-2024 Fraudulent Report Cass County Police Report (Redacted) <https://journalstar.com/> www.facebook.com/
- 5-26-2024 Village of Alvo 2024 Alvo Days Raffle firearmlaws_2016.pdf (nebraskalegisature.gov) CHP Frequently Asked Questions | Nebraska State Patrol rafflact.pdf (nebraska.gov)

I am also requesting a copy of all documentation, records, notes, communications, emails, text, calls, and recordings showing that the Alvo Volunteer Fire Department was reinstated after they were dissolved by the Village Board of Trustees on or about December 2019.

If possible, I would like an electronic copy, however, if there is a substantial cost estimated in obtaining copies, I would like to be able to make my own copies using my own equipment pursuant to Neb. Rev. Stat 84-712.2, so please ensure that official documents are correctly stamped with the village seal and are available on hard copy in order for me to scan them.

State law states that open records requests must be filled within four business days. If you have questions about this request, please contact me via email at johncartierlaw@gmail.com.

Furthermore, this email also serves as a *Cease and Desist Notice*, we demand that you take down these libelous articles and stop posting defamatory lies about Mrs. Jordan or we will be forced to take additional legal action.

Thank you,

John D. Cartier



John Cartier <johncartierlaw@gmail.com>

Open Records Request 5/24/24 and Cease and Desist Notice

Alvo Village <villageofalvo@outlook.com>
To: John Cartier <johncartierlaw@gmail.com>

Tue, Jun 4, 2024 at 8:26 PM

June 4, 2024

John D. Cartier on behalf of;

Brandy Jordan

[440 East 1St Street](#)

[Alvo, NE 68304](#)

RE: 5/24/2024 Open Records Request and Cease and Desist Notice

Dear John D. Cartier/Brandy Jordan:

The Village of Alvo thanks you for your public records request;

May 24, 2024

Ms Shinkle:

This is an open records request pursuant to Neb. Rev. Stat. 84-712. I am seeking a copy of all documentation, records, notes, communications, emails, text, calls, and recordings made as a result of the two articles written about Brandy Jordan on the village of alvo's website at <https://www.alvo.gov/general-5>.

The two articles are:

- [5-22-2024 Fraudulent Report](#)

Cass County Police Report (Redacted)

<https://journalstar.com/> www.facebook.com/

- [5-26-2024 Village of Alvo 2024 Alvo Days Raffle](#)

firearmlaws_2016.pdf (nebraskalegislature.gov)

CHP Frequently Asked Questions | Nebraska State Patrol

I am also requesting a copy of all documentation, records, notes, communications, emails, text, calls, and recordings showing that the Alvo Volunteer Fire Department was reinstated after they were dissolved by the Village Board of Trustees on or about December 2019.

If possible, I would like an electronic copy, however, if there is a substantial cost estimated in obtaining copies, I would like to be able to make my own copies using my own equipment pursuant to Neb. Rev. Stat 84-712.2, so please ensure that official documents are correctly stamped with the village seal and are available on hard copy in order for me to scan them.

State law states that open records requests must be filled within four business days. If you have questions about this request, please contact me via email at johncartierlaw@gmail.com.

Furthermore, this email also serves as a Cease and Desist Notice, we demand that you take down these libelous articles and stop posting defamatory lies about Mrs. Jordan or we will be forced to take additional legal action.

Thank you,

John D. Cartier

The Village of Alvo received your request on May 26, 2024. The Village of Alvo wishes to remind you that the Village of Alvo's' hours of operation are Sunday(s) from 12 P.M. to 4 P.M. and the first Tuesday of each month from 5 P.M. to 8 P.M. with the Board of Trustees meeting starting at 7:30 P.M. Please note that the Village of Alvo was closed June 2, 2024. To avoid delays in responses it is suggested that consideration of these hours of operation be taken before submitting requests. Please note the four business days emphasized in your Open Record Request regarding Neb. Rev. Stat. 84-712 are computed by excluding the day the request is received, after which the designated period of time begins to run. Business day does not include a Saturday, or a day during which the offices of the custodian of the public records are closed.

The Village of Alvo will address your May 24, 2024, Open Records Request in three parts; **1a, 1b, and 2.**

"This is an open records request pursuant to Neb. Rev. Stat. 84-712. I am seeking a copy of all documentation, records, notes, communications, emails, text, calls, and recordings made as a result of the two articles written about Brandy Jordan on the village of alvo's website at <https://www.alvo.gov/general-5>."

Part 1a) 5-22-2024 Fraudulent Report

Part 1b) 5-26-2024 Village of Alvo 2024 Alvo Days Raffle

Addressing Part 1a) The Village of Alvo regrets to inform you that the village "Records Manager" is unable to provide any records you are seeking as they do not exist.

Addressing Part 1b) The Village of Alvo regrets to inform you that the village Records Manager is unable to provide any records you are seeking as they do not exist.

Part 2) I am also requesting a copy of all documentation, records, notes, communications, emails, text, calls, and recordings showing that the Alvo Volunteer Fire Department was reinstated after they were dissolved by the Village Board of Trustees on or about December 2019.

Addressing Part 2) The Village of Alvo regrets to inform you that the village Records Manager is unable to provide any records you are

seeking as they do not exist. The Village of Alvo would like to clarify that the Alvo Volunteer Fire Department was not subject to being dissolved, and therefore, reinstatement has not and would not be required. However, your client, Brandy Jordan has been previously provided Village of Alvo agendas and minutes for the Board of Trustees meetings on or about December 2019. To be specific, Brandy Jordan was sent 08-06-2019, 09-03-2019, 09-17-2019, 10-01-2019, 11-05-2019, 12-3-19, 01-07-2020, 02-04-2020, 03-03-2020, 04-07-2020, 05-05-2020, 06-09-2020, 07-12-2020, Village of Alvo Board of Trustees agendas and minutes on June 1, 2023. Now to address the village seal requested, as visually seen on the documents provided to Brandy Jordan on June 1, 2023, they do not obtain the village seal as the clerk/treasurer employed at that time was not doing so. Pursuant to Neb. Rev. Stat. 84-712(3)(e) the Records Manager shall not be required to produce or generate any public record in a new or different form or format modified from that of the original public record.

The Village of Alvo is committed to fulfilling your Open Records Request but regrets to inform you the village Records Manager is unable to provide you with any of the records you have requested in your May 24, 2024, Open Records Request as they do not exist.

Amanda Shinkle | Village of Alvo

Clerk/Treasurer

135 Main St| Alvo, NE 68304

Phone: 402-781-9201

[Quoted text hidden]

VillageOfAlvo@outlook.com

From: Cindy L Burke 312 <cindyb@co.cass.ne.us>
Sent: Saturday, December 28, 2019 1:07 PM
To: Alvo Village
Subject: RE: Alvo Fire and Rescue

Robin,

Message received and I forward it to the other dispatchers.

Thanks
Cindy

On Saturday, December 28, 2019 12:50 PM, Alvo Village wrote:

Cindy,

Please take Alvo Fire and Alvo Rescue out of service indefinitely. There is no estimated time to be back in service. The Chairperson Robin LaPage will contact dispatch once the Alvo Fire and Alvo Rescue departments are back in service. Please confirm receipt of this email.

Thank you,

Robin LaPage-Chairman

Melissa Hanes-Clerk

From: Cindy L Burke 312 <cindyb@co.cass.ne.us>

Sent: Saturday, December 28, 2019 12:47 PM

To: rmlapage@yahoo.com

Cc: villageofalvo@outlook.com

Subject: Alvo Fire and Rescue

VillageOfAlvo@outlook.com

From: Alvo Village
Sent: Saturday, December 28, 2019 1:02 PM
To: Kassi Koerner; Com_ESDS
Subject: RE: Alvo Fire & Rescue

Kassi,

Thank you for the confirmation email.

Robin LaPage-Chairman
Melissa Hanes-Clerk

From: Kassi Koerner <KKoerner@lincoln.ne.gov>
Sent: Saturday, December 28, 2019 1:01 PM
To: Com_ESDS <Com_ESDS@lincoln.ne.gov>; villageofalvo@outlook.com
Subject: Alvo Fire & Rescue

Robin LaPage (402 540 5646) who is a chairman, contacted dispatch today and advised that she was putting Alvo Fire & Rescue out of service Indefintely. No one should be putting them back in service unless it is Robin. The above number is her cellphone.

Kassi Koerner #3361

Senior Public Safety Dispatcher

Lincoln Police Department/911 Communications Center

Phone: 402-441-6000

Fax: 402-441-6694

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**Village Of Alvo
Emergency Board of Trustees Meeting Minutes**



Meeting Date and Time

Date of Meeting: November 02, 2023
Time of Meeting: 7:30 PM

Meeting Location

Location of Meeting: Village Of Alvo Hall
135 Main St
Alvo, Nebraska 68304

Meeting Attendees

Present at Meeting: Chairperson: Devon Sullivan
Trustee: Gary Estes
Trustee: Larry Langer
Trustee: Roger Paul
Trustee: Cathina Schueth

Citizen: Brandy Jordan
Citizen: Raider Rhotenacher
Citizen: Nathan Jordan
Citizen: Keith Hinkle
Citizen: Dennis Tempelmeyer

The emergency meeting of the Board of Trustees of Village of Alvo was called to order at 7:34 PM on November 03, 2023, at Village of Alvo Hall by Devon Sullivan.

I. Communication of Citizens

Citizens Dennis Tempelmeyer asks Chairperson Devon Sullivan to bring attention to being interrupted during the communications of citizens allotted time. Asks the behavior to be corrected. Chairperson Devon Sullivan addresses the entire Board of Trustees stating that all parties, on and off the board, have been guilty of it and it needs to come to an end.

II. Approval of Agenda

An emergency or urgent public necessity exists that requires immediate action of the Board: the subjects to be discussed, considered, or voted upon are as shown on the agenda. The meeting was posted at 3 public places and more than 48 hours prior to the meeting.

- **Agenda item #5.** Discussion and Vote to Modify the Village of Alvo Clerk/Treasurer Monthly Pay and Hours.
Village of Alvo clerk/treasurer position will operate back under the municipal code book which places an income cap of \$700.00 monthly.



Roger Paul: Motioned

Larry Langer: Seconded

Vote: Yes-4, No-0 Abstains-1 (Gary Estes) Motion Carries

Adjourn to Executive Session for The Discussion and Review of The Village of Alvo's Current Clerks' Performance, Duties, and New Findings.

After Board of Trustees hold discussion in private Chairperson Devon Sullivan invited Raider Rhotenacher to join the executive session.

Chairperson Devon Sullivan declares to be back into emergency meeting of the village of Alvo Board of Trustees at 8:16 P.M. invites the public back to remaining portion of meeting.

Trustee Roger Paul in forms citizens Brandy Jordan and Nathan Jordan all personal property including cellphones and backpacks must be removed when they exit the building for executive session.

- **Agenda item #6.** Vote To Retain or Terminate Current Village of Alvo Clerk.
Terminate Current Village of Alvo Clerk.

Cathina Schueth: Motioned

Larry Langer: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #7.** Vote to contact and hire licensed CPA to conduct internal audit on Village of Alvo books, records, and accounts. Amount in costs not to exceed over \$11,000.00.

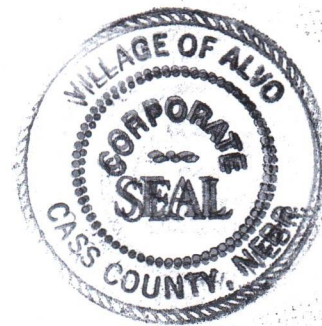
Hire licensed CPA to conduct internal audit on Village of Alvo books, records, and accounts. Amount in costs not to exceed over \$11,000.00.

Roger Paul: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

Meeting adjourned at 8:18 PM by Devon Sullivan.



III. Next Meeting

The next meeting will be held at 7:30 P.M. on November 14, 2023, at:
Village Of Alvo Hall
135 Main St
Alvo, Nebraska
68304

Minutes completed by: Trustee Cathina Schueth

*Village of Alvo Meeting Minutes typically completed by clerk/treasurer, clerk/treasurer currently vacant, duty and responsibility completed by Trustee Member present at meeting.

Minutes approved by: Board of Trustees members Gary Estes, Larry Langer, Roger Paul

*Trustee Cathina Schueth abstains.

We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Cathina Schueth are true and correct to the best of our knowledge and are part of the official records of this office.

These minutes are condensed for printing purposes.

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**Village Of Alvo
Regular Board of Trustees Meeting Minutes**

Meeting Date and Time	
Date of Meeting:	November 14, 2023
Time of Meeting:	7:30 PM
Meeting Location	
Location of Meeting:	Village Of Alvo Hall 135 Main St Alvo, Nebraska 68304
Meeting Attendees	
Present at Meeting:	Chairperson: Devon Sullivan Trustee: Gary Estes Trustee: Larry Langer Trustee: Roger Paul Trustee: Cathina Schueth Citizen: Amanda Shinkle Citizen: Nathan Jordan Citizen: Keith Hinkle

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The regular meeting of the Board of Trustees of Village of Alvo was called to order at 7:33 PM on November 14, 2023, at Village of Alvo Hall by Devon Sullivan.

I. Communication of Citizens

Citizens Keith Hinkle brings attention to Board of Trustee of the speed bump that has been damaged on Fletcher Ave./1st Street in the Village of Alvo. Citizens Nathan Jordan provides additional information on how the damage was obtained. The Board of Trustee acknowledge the issue and discuss it, no remedy requested.

I. Approval of Agenda

The agenda for the meeting was distributed and unanimously approved after amending to add missing agenda items and correct Intuit QuickBooks fees.

II. Review of Previous Minutes

The minutes of October 3rd, 2023 were reviewed and approved by a majority of those present.
Vote:
Yes- 4
No- 1 (Cathina Schueth)

III. Consideration of New Business

- **Agenda item #6.** Vote To Add Board of Trustee Members Cathina Schueth, Gary Estes, Larry Langer, and Roger Paul to all Village of Alvo Bank Account

III. Consideration of New Business

- **Agenda item #6.** Vote To Add Board of Trustee Members Cathina Schueth, Gary Estes, Larry Langer, and Roger Paul to all Village of Alvo Bank Accounts. Board of Trustee members can sign/write checks and have permission to access all Village of Alvo banking information.

Larry Langer: Motioned

Devon Sullivan: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #7.** Discuss, Consider, and Vote to Replace Missing Pole for Street Signs Located at 2nd And Harrison St.

The street pole that street signs are secured to is missing and needs to be replaced.

Agenda item tabled.

Roger Paul: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #8.** Discuss, Consider, and Vote to Join the Nebraska Municipal Clerks Association.

\$50.00 yearly (2024) membership for Village of Alvo Clerk/Treasurer to join association that will assist them in performing duties. \$50.00 per additional members.

Larry Langer: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #9.** Discuss, Consider, and Vote to Properly Set Up and Backup Village of Alvo Computer(s).

Outsource setting up and backup all Village of Alvo computers. Price cap placed, amount not to exceed \$300.00.

Cathina Schueth: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #10.** Discuss, Consider, and Vote to Have Village of Alvo Halls Locks Rekeyed.

Rekey Village of Alvo Hall locks. Bid received from outside source Grady Turner Locksmith. Price cap placed, amount not to exceed \$200.00.

Cathina Schueth: Motioned

Seconded

III. Consideration of New Business

- **Agenda item #6.** Vote To Add Board of Trustee Members Cathina Schueth, Gary Estes, Larry Langer, and Roger Paul to all Village of Alvo Bank Accounts. Board of Trustee members can sign/write checks and have permission to access all Village of Alvo banking information.

Larry Langer: Motioned

Devon Sullivan: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #7.** Discuss, Consider, and Vote to Replace Missing Pole for Street Signs Located at 2nd And Harrison St.

The street pole that street signs are secured to is missing and needs to be replaced.

Agenda item tabled.

Roger Paul: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #8.** Discuss, Consider, and Vote to Join the Nebraska Municipal Clerks Association.

\$50.00 yearly (2024) membership for Village of Alvo Clerk/Treasurer to join association that will assist them in performing duties. \$50.00 per additional members.

Larry Langer: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #9.** Discuss, Consider, and Vote to Properly Set Up and Backup Village of Alvo Computer(s).

Outsource setting up and backup all Village of Alvo computers. Price cap placed, amount not to exceed \$300.00.

Cathina Schueth: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #10.** Discuss, Consider, and Vote to Have Village of Alvo Halls Locks Rekeyed.

Rekey Village of Alvo Hall locks. Bid received from outside source Grady Turner Locksmith. Price cap placed, amount not to exceed \$200.00.

Cathina Schueth: Motioned

Seconded

- **Agenda item #10.** Discuss, Consider, and Vote to Have Village of Alvo Halls Locks Rekeyed.

Rekey Village of Alvo Hall locks. Bid received from outside source Grady Turner Locksmith. Price cap placed, amount not to exceed \$200.00.

Cathina Schueth: Motioned

Devon Sullivan: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #11.** Discuss, Consider, and Vote to Host Alvo Days 2024. Date undetermined at this point in time (2024). Would be a day which includes village wide yard sale, Village of Alvo Car Show, and hopefully some local vendors and potentially a band.

Roger Paul: Motioned

Larry Langer: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #12.** Discuss, Consider, and Vote for The Village of Alvo to Join the National Flood Insurance Program.

Village of Alvo is currently not participating in NFIP, program is free. Board members would like to investigate the program more before deciding.
Agenda item tabled.

Cathina Schueth: Motioned

Roger Paul: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #13.** Discuss, Consider, and Vote on NDOT's 2023 Municipal Annual Certification of Program Compliance and Sign Resolution.

Vote and sign in public per NDOT's requirements. Documents are already late due to previous clerks (Raider Rhotenacher) disregarding policy and deadlines. Deadline was October 31st, 2023.

Resolution signed in public, during meeting by Chairperson after vote of Board of Trustee members.

Gary Estes: Motioned

Devon Sullivan: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #14.** Discuss, Consider, and Vote on NDOT's 2023 Year-End Certification of Street Superintendent and Sign Resolution.

The Village of Alvo currently does not have a street superintendent for 2024. Board of Trustee members should...

- **Agenda item #14.** Discuss, Consider, and Vote on NDOTs 2023 Year-End Certification of Street Superintendent and Sign Resolution.
The Village of Alvo currently does not have a street superintendent, too late in 2023 to obtain one for 2024. Board of Trustee members should be preemptive for 2025 and begin searching for street superintendent early and throughout 2024 if decided to participate in the future.
Resolution signed in public, during meeting by Chairperson after vote of Board of Trustee members.

Cathina Schueth: Motioned
 Roger Paul: Seconded
 Vote: Yes-5, No-0 Motion Carries

IV. Reports

- **Agenda item #15.** Village Of Alvo Treasurer Report
Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.
Amended to correct fees due.
\$2,500.00(Maguire Iron), \$895.00(PeopleService), \$4,928.35(Security First Bank), \$518.11(OPPD), \$117.12 (Windstream), \$173.00(Neb Public Health Lab), \$38.52(Intuit QuickBooks), \$119.99(McAfee), \$102.19(Lee Advertising), \$115.44(Payroll Board), \$545.33(Payroll Clerk/Treasurer- Raider Rhotenachers Last Paycheck), \$750.00(Larry Langer Reimbursement/10 Caution Speed Bump Signs)

Roger Paul: Motioned
 Devon Sullivan: Seconded
 Vote: Yes-5, No-0 Motion Carries

- **Agenda item #16.** Village Of Alvo Clerk Report.
Prepared monthly, shows operations completed with the office and/or how they are going to be completed. Report is open to the public to inspect in office. November 2023 Clerks Report was composed through processing emails, mail, text messages and phone calls. Additionally, it provides the open record request that were provided/denied, miscellaneous documents filed with the Village of Alvo, and any loose animals reported to the village.

- **Agenda item #17.** Fire Report.
None, Village of Alvo currently is not receiving any copies of fire reports. Devon Sullivan will inquire about report copies with the Rural Fire District.

- **Agenda item #18.** Water and Sewer Report.

Discussion had on new 2024 EPA lead and copper rule, operating under one-lock system with People Services, potential service with People Services to get water meters replaced, and need to review emergency notification systems operating out of the Village of Alvo water tower pump house.

- **Agenda item #19.** Discuss, Consider, and Vote on Approval of October 3rd, 2023, Board of Trustee Meeting Minuets.

Agenda amended to add item.

Larry Langer: Motioned

Roger Paul: Seconded

Vote: Yes-4, No-1 (Cathina Schueth) Motion Carries

Adjourn To Executive Session for The Discussion and Review of The Village of Alvo's Investigation and New Findings.

Devon Sullivan declares regular meeting of the Village of Alvo Board of Trustees to be back into open session at 8:37 P.M. and invites public back to remaining portion of meeting.

- **Agenda item #20.** Thank Local Representatives, Extend Invitation, And Provide Correction and Noncompliance Statement.

The Village of Alvo thanks local representative Chris Perone, the Cass County Attorney, officials as we have not had any others attend previously. The village of Alvo Board of Trustees have unanimously agreed that we will not support anyone involved in criminal activity and agree that anyone found to be involved in criminal activity should be held accountable.

- **Agenda item #21.** Add 10 Exhibits to Village of Alvo Records.

Exhibits filed as 2023-11-1, 2023-11-2, 2023-11-3, 2023-11-4, 2023-11-5, 2023-11-6, 2023-11-7, 2023-11-8, 2023-11-9, 2023-11-10
Agenda amended to add item.

Cathina Schueth: Motioned

Larry Langer: Seconded

Vote: Yes-5, No-0 Motion Carries

Meeting adjourned at 8:39 P.M by Devon Sullivan.

V. Next Meeting

The next meeting will be held at 7:30 P.M. on December 5, 2023, at:
Village Of Alvo Hall
135 Main St
Alvo, Nebraska

V. Next Meeting

The next meeting will be held at 7:30 P.M. on December 5, 2023, at:
Village Of Alvo Hall
135 Main St
Alvo, Nebraska
68304

Minutes completed by: Trustee Cathina Schueth

*Village of Alvo Meeting Minutes typically completed by clerk/treasurer, clerk/treasurer currently vacant, duty and responsibility completed by Trustee Member present at meeting.

Minutes approved by: Board of Trustees members Gary Estes, Larry Langer, Roger Paul
*Trustee Cathina Schueth abstains.

We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Cathina Schueth are true and correct to the best of our knowledge and are part of the official records of this office.

These minutes are condensed for printing purposes.

**Village Of Alvo
Regular Board of Trustees Meeting Minutes**



Meeting Date and Time

Date of Meeting: December 5, 2023
Time of Meeting: 7:30 PM

Meeting Location

Location of Meeting: Village Of Alvo Hall
135 Main St
Alvo, Nebraska 68304

Meeting Attendees

Present at Meeting: Chairperson: Devon Sullivan
Trustee: Gary Estes
Trustee: Larry Langer
Trustee: Roger Paul
Trustee: Cathina Schueth

Citizen: Alex Brase
Citizen: Nathan Jordan
Citizen: Keith Hinkle

The regular meeting of the Board of Trustees of Village of Alvo was called to order at 7:31 PM on December 5, 2023, at Village of Alvo Hall by Devon Sullivan.

I. Communication of Citizens

No request or discussion was had by citizens present.

II. Approval of Agenda

The agenda for the meeting was distributed and unanimously approved after amending to add missing agenda items and correct Intuit QuickBooks fees.

III. Review of Previous Minutes

- **Agenda item #1.** Discuss, consider, and vote on approval of November 2nd, 2023, Emergency Meeting of the Board of Trustee Minutes and November 14th, 2023, Regular Meeting of the Board of Trustee Minutes.
The minutes of the pervious meeting were reviewed and approved by the majority of those present.
Vote: Yes-5, No-0
Abstain-1 (Cathina Schueth) Motion Carries



IV. Consideration of New Business

Agenda item #2. Discuss, consider, and change if found necessary NDOT's 2023 Lane Mile Report for the Village of Alvo.

No changes found necessary.

Cathina Schueth: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #3.** Discuss, consider, and vote to clear trees along easement that provides access to the Village of Alvo lagoon for People Service. The need to clear trees is discussed and agreed upon. Trustee Cathina Schueth and Chairperson Devon Sullivan will handle the tree removal. Removed tree limbs will be made into a pole back by lagoon for burning or removal at a later time.

Roger Paul: Motioned

Cathina Schueth: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #4.** Consider, and vote to purchase an amber beacon light for the Village of Alvo plow truck as required by law per State Statute 60-6,232. Citizen Nathan Jordan donates an amber beacon light to the Village of Alvo, eliminating the need to purchase. Roger Paul will install.

Vote: No vote

- **Agenda item #5.** Discuss, consider, and vote to reimburse Chairperson Devon Sullivan in the amount of \$336.74 for the purchase of yellow, black, cyan, and magenta hp laser ink for Village of Alvo printer. Chairperson Devon Sullivan purchased yellow, black, cyan, and magenta hp laser ink for Village of Alvo printer due to the village still being without a replacement debt card. The amount totaled \$336.74 and is requested for reimbursement.

Roger Paul: Motioned

Garey Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

V. Reports

- **Agenda item #6.** Village of Alvo Clerk Report. Two police reports made by the Village of Alvo with the Cass County Sheriffs Department, one Open Records Request made by Brandy Jordan, one miscellaneous document filed with the Village of Alvo by Dave Morgan, zero animals at large

reported, eight water bill complaints made regarding invoices and incidents with previous Village of Alvo Clerk/Treasurer Raider Rhotenacher.



- **Agenda item #7.** Water and Sewer Report.

11/15/23 samples collected detect Coliform (TCR) and E. Coli to be absent. Trees will be removed back to lagoon as well as pump house and north well will need to be cleared out.

Date undetermined at this point in time (2024). Would be a day which includes village wide yard sale, Village of Alvo Car Show, and hopefully some local vendors and potentially a band.

Roger Paul: Motioned

Larry Langer: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #12.** Discuss, Consider, and Vote for The Village of Alvo to Join the National Flood Insurance Program.

Village of Alvo is currently not participating in NFIP, program is free. Board members would like to investigate the program more before deciding.

Agenda item tabled.

Cathina Schueth: Motioned

Roger Paul: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #13.** Discuss, Consider, and Vote on NDOTs 2023 Municipal Annual Certification of Program Compliance and Sign Resolution.

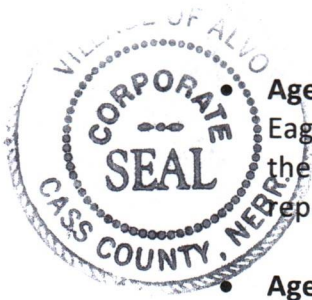
Vote and sign in public per NDOT's requirements. Documents are already late due to previous clerks (Raider Rhotenacher) disregarding policy and deadlines. Deadline was October 31st, 2023.

Resolution signed in public, during meeting by Chairperson after vote of Board of Trustee members.

Gary Estes: Motioned

Devon Sullivan: Seconded

Vote: Yes-5, No-0 Motion Carries



Agenda item #8. Fire Report.

Eagle fire continues to be absent from meeting, informs Chairperson Devon Sullivan the Village of Alvo had one rescue call and one fire call for 2023. A full detailed fire report can be obtained from the district.

• **Agenda item #9. Village Of Alvo Treasurer Report.**

Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.

Amended to correct fees due.

\$2,500.00(Maguire Iron), \$895.00 (PeopleService), \$506.52 (OPPD), \$172.00(Neb Public Health Lab), \$291.38(Lee Advertising), \$554.10(Payroll Board), \$14.66(Dep. Of the Treasury), \$56.97(Neb. Dep. Of Labor), \$121.09 (Windstream), \$336.74(Devon Sullivan Reimbursement), \$100.00(Keith Hinkel Reimbursement), \$100.00(Scott Marcoe Reimbursement), \$100.00(Grady Turner Locksmith)

Roger Paul: Motioned

Larry Langer: Seconded

Vote: Yes-5, No-0 Motion Carries

- **Agenda item #10.** Discuss, consider, and vote to elect the Village of Alvo 2024 Chairperson of the Board of Trustees, and appoint the Village of Alvo officers, as required by law per State Statue 17-204.

Devon Sullivan is elected to be Village of Alvo 2024 Chairperson.

Roger Paul: Motioned

Cathina Schueth: Seconded

Cathina Schueth is elected to be Village of Alvo 2024 Vice Chairperson.

Devon Sullivan: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0 Motion Carries

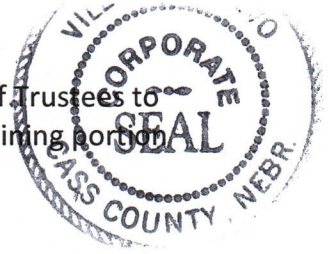
Return to Executive session for The Discussion and Review of the Village of Alvo's Investigation.

Trustee Larry Langer requests that the Board of Trustees use the right to adjourn to executive session per State Statue 84-1410 to discuss progress with Village of Alvo's investigation.

Larry Langer: Motioned

Roger Paul: Seconded

Devon Sullivan declares regular meeting of the Village of Alvo Board of Trustees to be back into open session at 8:28 P.M. and invites public back to remaining portion of meeting.



Meeting adjourned at 8:39 P.M by Devon Sullivan.

VI. Next Meeting

The next meeting will be held at 7:30 P.M. on January 9, 2024, at:
Village Of Alvo Hall
135 Main St
Alvo, Nebraska
68304

Minutes completed by: Trustee Cathina Schueth

*Village of Alvo Meeting Minutes typically completed by clerk/treasurer, clerk/treasurer currently vacant, duty and responsibility completed by Trustee Member present at meeting.

Minutes approved by: Board of Trustees members (Devon Sullivan, Gary Estes, Roger Paul) (to be reviewed and corrected upon approval)

*Trustee Cathina Schueth abstains.

We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Cathina Schueth are true and correct to the best of our knowledge and are part of the official records of this office.

These minutes are condensed for printing purposes.



**Village of Alvo
Regular Board of Trustees Meeting Minutes**

Meeting Date and Time

Date of Meeting: January 9, 2024
Time of Meeting: 7:30 PM

Meeting Location

Location of Meeting: Village Of Alvo Hall
135 Main St
Alvo, Nebraska 68304

Meeting Attendees

Present at Meeting: Chairperson: Devon Sullivan
Trustee: Gary Estes
Trustee: Roger Paul
Trustee: Cathina Schueth

Citizen: Amanda Shinkle
Citizen: Nathan Jordan
Citizen: Keith Hinkel

Absent at Meeting: Trustee: Larry Langer

The regular meeting of the Board of Trustees of Village of Alvo was called to order at 7:39 PM on January 9, 2024 at Village of Alvo Hall by Devon Sullivan.

I. Communication of Citizens

Citizen, Nathan Jordan, brings to the Village of Alvo Board of Trustees attention two dogs were loose in the village. Exact day not provided, ownership unknown, no report made to the Village or Cass County Sheriff's Department at the time of incident. No request made by Nathan Jordan to remedy the issue. Nathan Jordan simply asked the Board of Trustees if they were aware of the situation.

II. Approval of Agenda

The agenda for the meeting was distributed and approved by a majority of those present.

III. Review of Previous Minutes

The minutes of the previous meeting were reviewed and approved by a majority of those present.

Vote:

Yes-3

No-0

Abstain: 1 (Cathina Schueth)

Absent: Larry Langer



IV. Consideration of New Business

- **Agenda item # 1.** Discuss, consider, and vote on applicant for Village of Alvo Clerk/treasurer.
Position posted in Ashland Gazette two people inquired about the position, only one applied. Applicant Amanda Shinkle resume and application reviewed by the Board of Trustees. Amanda Shinkle voted into position of Village of Alvo Clerk/treasurer.

Gary Estes: Motioned
Roger Paul: Seconded

Vote:

Yes-4

No-0

Absent: Larry Langer

Motion Carries

- **Agenda item # 2.** Discuss, consider, and vote on the Approval of December 5th, 2023, Regular Meeting of The Board of Trustees Minutes.

Roger Paul: Motioned
Devon Sullivan: Seconded

Vote:

Yes-3

No-0

Abstain: 1 (Cathina Schueth)

Absent: Larry Langer

Motion Carries

- **Agenda item #3.** Discuss, consider, and vote to reimburse Chairperson Devon Sullivan in the amount of \$66.00 for the purchase of postal stamps for Village of Alvo.

Roger Paul: Motioned
Cathina Schueth: Seconded

Vote:

Yes-4

No-0

Absent: Larry Langer

Motion Carries



- **Agenda item #4.** Discuss, consider, and vote for attending League of Nebraska Municipalities 2024 Midwinter Conference
Price not to exceed \$300 per/person attending. Attending is for the board members as well as the clerk/treasurer.

Gary Estes: Motioned
Devon Sullivan: Seconded

Vote:
Yes-4
No-0
Absent: Larry Langer

Motion Carries

- **Agenda item #5.** Discuss, consider, and vote to approve Audit Waiver Request for FY2023 prepared by GBE CPA.
Cathina Schueth: Motioned
Roger Paul: Seconded

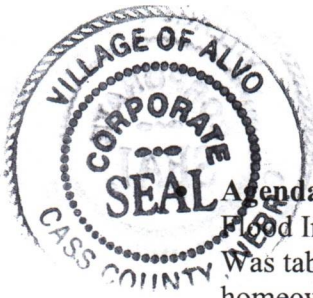
Vote:
Yes-4
No-0
Absent: Larry Langer

Motion Carries

- **Agenda item #6.** Discuss, consider, and vote to purchase remote reader for water meters and new meter pit lids as required by PeopleService, for the installation of new water meters in 2024.
Devon Sullivan: Motioned
Cathina Schueth: Seconded

Vote:
Yes-4
No-0
Absent: Larry Langer

Motion Carries



Agenda item #7. Discuss, consider, and vote for the Village of Alvo to join the National Flood Insurance Program.

Was tabled during the Nov 14th, 2023 meeting. Is free to join and provides Alvo homeowners with options to select the coverage if they choose to do so.

Cathina Schueth: Motioned

Gary Estes: Seconded

Vote:

Yes-4

No-0

Absent: Larry Langer

Motion Carries

V. Reports

- **Agenda item #8.** Village Of Alvo Clerk Report
Zero miscellaneous documents filed with the village. One loose animal report by Keith Hinkel, it was reported to Cass County Sheriff's Department that an aggressive dog was loose. Case # CS23120827. No complaints were filed with the village by citizens. Two open records requests made on 12/3/23 and 12/26/2023 by Brandy Jordan. One open records request was withdrawn due to non-payment.
- **Agenda item #9.** Water And Sewer Report.
12/22/2023 samples collected detect Coliform (TCR) and E. Coli to be absent. Roger Paul provided Nebraska Diggers with a new meter to replace the meter accidentally broken at building on 2nd and Harrison St. Roger Paul removed the utility ladder and miscellaneous items from the exterior of the water tower pump house. Devon Sullivan has not heard anything about Washington St.
- **Agenda item #10.** Fire Report
Devon Sullivan states there has not been any fire or rescue services reported in Alvo for December 2023.
- **Agenda item #11.** Village of Alvo Treasurer Report
Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.
\$2,500.00(Maguire Iron), \$895.00(PeopleService), \$574.04(OPPD), \$236.00(Neb Public Health Lab), \$403.68(Lee Advertising), \$150.00(Payroll Board), \$44.94 (Intuit Quickbooks), \$151.18(Neb. Dep. of Labor), \$66.00(Devon Sullivan Reimbursement)

Roger Paul: Motioned

Devon Sullivan: Seconded

Vote:

Yes- 4

No- 0

Absent: Larry Langer



Motion Carries

Adjourn to Executive Session for the Discussion of Village of Alvo's Investigation.

Chairperson Devon Sullivan declares to be back into the regular meeting of the Village of Alvo Board of Trustees at 8:23 P.M. and invites the public back to the remaining portion of the meeting.

Meeting adjourned at 8:25 P.M by Devon Sullivan

VI. Agenda and Time of Next Meeting

The next meeting will be held at 7:30 PM on February 6, 2024 at:
Village Of Alvo Hall
135 Main St
Alvo, Nebraska
68304

Minutes completed by: Clerk/treasurer Amanda Shinkle.

We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Amanda Shinkle true and correct to the best of our knowledge and are part of the official records of this office.

These minutes are condensed for printing purposes.

Village of Alvo
Regular Board of Trustees Meeting Minutes



	Meeting Date and Time
Date of Meeting:	February 6, 2024
Time of Meeting:	7:30 PM
	Meeting Location
Location of Meeting:	Village Of Alvo Hall 135 Main St Alvo, Nebraska 68304
	Meeting Attendees
Present at Meeting:	Chairperson: Devon Sullivan Trustee: Gary Estes Trustee: Cathina Schueth Clerk/Treasurer: Amanda Shinkle Citizen: Nathan Jordan Citizen: Keith Hinkel Citizen: Alexander Brase Citizen: Detrick Brase Citizen: Ethan Brase
Absent from Meeting:	Trustee: Roger Paul Trustee: Larry Langer

The regular meeting of the Board of Trustees of Village of Alvo was called to order at 7:31 PM on February 6, 2024, at Village of Alvo Hall by Devon Sullivan. Amanda Shinkle took oath of office.

I. Communications of Citizen

Citizen, Nathan Jordan, asks about the Malibu on Main Street. Devon Sullivan states that it was hit during the prior snowstorm. Amanda Shinkle states that the owner Zach Skeahan was in the Village Office Monday Feb 5th, 2024, and is asking the public's assistance for any information, he has filed a police report with the Cass County Sheriff's Department.

II. Approval of Agenda

The agenda for the meeting was distributed and approved by a majority of those present.

III. Review of Previous Minutes

The minutes of the previous meeting were reviewed and approved by a majority of those present.

IV. Consideration of New Business



Agenda item #1. Discuss, consider, and vote on approval of January 9th, 2024, Regular Meeting of the Board of Trustees Minutes.

Cathina Schueth: Motioned

Gary Estes: Seconded

Vote: Yes-3, No-0

Absent: Larry Langer, Roger Paul

Motion Carries

- **Agenda item #2.** Discuss, consider, and vote on Ordinance 2024-001.

An ordinance establishing the open records operating procedures for the Village of Alvo and fees to be charged to persons accessing approved open public records, overview was read to the public. Three separate days of reading, waived. Ordinance 2024-001 is published in pamphlet form in the Village of Alvo office.

Cathina Schueth: Motioned

Devon Sullivan: Seconded

Vote: Yes-3, No-0

Absent: Larry Langer, Roger Paul

Motion Carries

- **Agenda item #3.** Discuss, consider, and vote on Resolution 2024-001.

A resolution to establish the amount of certain fees charged by the Village of Alvo for various services, an overview was read to the public. Three separate days of reading, waived. Resolution 2024-001 is published in pamphlet form in the Village of Alvo office.

Gary Estes: Motioned

Devon Sullivan: Seconded

Vote: Yes-3, No-0

Absent: Larry Langer, Roger Paul

Motion Carries

- **Agenda item #4.** Discuss, consider, and vote on Resolution 2024-002.

A resolution regarding the deposit of municipal funds for the 2024-2025 fiscal year, an overview was read to the public. Three separate days of reading, waived. Resolution 2024-002 shall be published in pamphlet form in the Village of Alvo office.

Cathina Schueth: Motioned

Devon Sullivan: Seconded

Vote: Yes-3, No-0

Absent: Larry Langer, Roger Paul

Motion Carries

- **Agenda item #5.** Discuss, consider, and vote on the Approval of 2024 Bond and Application Fees for Amanda Shinkle, Cathina Schueth, and Devon Sullivan.



Discussion was had about the different fees for Amanda Shinkle, Cathina Schueth and Devon Sullivan.

Cathina Schueth: Motioned

Gary Estes: Seconded

Vote: Yes-3, No-0

Absent: Larry Langer, Roger Paul

Motion Carries

- **Agenda item #6.** Discuss, consider, and vote on 2024 Village Engineer and 2024 Street Superintendent Application Forms from JEO Consulting Group INC.

We appoint Steve Parr from JEO Consulting Group, Inc. as our 2024 Village Engineer and 2024 Street Superintendent.

Cathina Schueth: Motioned

Devon Sullivan: Seconded

Vote: Yes-3, No-0

Absent: Larry Langer, Roger Paul

Motion Carries

III. Consideration of Old Business

- **Agenda item #7.** Discuss and reconsider vote to join the National Flood Insurance Program. Unable to apply due to the requirements. Amanda Shinkle discussed how the requirements for the NFIP will cost the Village of Alvo money for mapping services and hiring a floodplain administrator. The Board members present discussed waiting to vote until more Board members were in attendance. Due to prior statements by members of the Board, the Board members at the meeting voted to recant their prior vote of yes and revote "No" for joining the National Flood Insurance Program.

Cathina Schueth: Motioned

Devon Sullivan: Seconded

Vote: Yes-3, No-0

Absent: Larry Langer, Roger Paul

Motion Carries

- **Agenda item #8.** Discuss and reconsider vote for attending League of Nebraska Municipalities 2024 Midwinter Conference at a rate of \$500/per person. Voted on previously during the Jan 6th, 2024, not to exceed 300\$/per person.

The board discussed who would be attending and agreed to the rates placed by the League of Nebraska Municipalities.

Devon Sullivan: Motioned

Gary Estes: Seconded

Vote: Yes-3, No-0



Absent: Larry Langer, Roger Paul
Motion Carries

IV. Reports

- **Agenda item #9.** Village of Alvo Clerk Report.
No new open records request made to the Village of Alvo. One prior open record request by Brandy Jordan withdrawn due to non-payment. No miscellaneous documentation filed with the Village of Alvo. There have been two complaints filed by the Village of Alvo about residents Robin LaPage and Raider Rhotenacher parking illegally on alleyways and roadways. A letter was sent to Thomas Patzel about the prior loose dog incident.
- **Agenda item #10.** Water and Sewer Report. Chlorophyll was found in the water for Feb 1st testing by PeopleService. Resample to be done due to suspected error in collection. 310 Harrison St. had a major water leak, PeopleService shut off water with the approval of the Village of Alvo Board of Trustees. The property manager, at 310 Harrison St., has not contacted the Village stating if repair was made.
- **Agenda item #11.** Fire Report.
No calls in Alvo made to for fire or rescue.
- **Agenda item #12.** Village of Alvo Treasurer Report.
Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.

\$2,500.00(Maguire Iron), \$940.00(PeopleService), \$1271.05(OPPD), \$15.00(Neb Public Health Lab), \$124.43(Lee Advertising), \$1307.29(Intuit Quickbooks), \$90.69(Neb. Dep. of Revenue), \$559.00(United States Treasury), \$55.20(United States Treasury), \$2,529.90.00(United States Treasury), \$406.40(United States Revenue), \$348.15(United States Revenue), \$346.83(Office Depot), \$6.60(McAfee), \$135.14(Casey's General), \$475.15(Great Plains Services INC.), \$4,750.00(GBE CPA), \$233.92(Windstream), \$256.00(Travelers), \$1,100.00(Citizen - Scott Marcoe), \$600.00(Chastain Otis), \$130.00(Tyler technologies/Nebraska.gov), \$125.00(Payroll Board), \$887.92(Payroll Clerk/Treasurer)

****Previously approved payment for Intuit QuickBooks for the months of Nov. 2023, Dec. 2023, and Jan 2024 considered null & void due to Premium Subscription corrupt, received prorated refund on existing subscription and renewed with Gold Subscription****

****Check No. 12015 issued to Nebraska Department of Labor for \$56.97 from Nov 20th Voided due to no delinquency charges****

Cathina Schueth: Motioned
Devon Sullivan: Seconded

Vote: Yes- 3, No- 0
Absent: Larry Langer, Roger Paul
Motion Carries



Adjourn to Executive Session for the Discussion of Village of Alvo's Investigation.

Chairperson Devon Sullivan declares to be back into the regular meeting of the Village of Alvo Board of Trustees at 8:17 P.M. and invites the public back to the remaining portion of the meeting.

Meeting adjourned at 8:23 P.M. by Devon Sullivan

V. Agenda and Time of Next Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Chairperson and Village Board will be held at 7:30 PM on March 5th, 2024, at:

Village Of Alvo Hall
135 Main St
Alvo, Nebraska
68304

Minutes completed by: Clerk/treasurer Amanda Shinkle.

We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Amanda Shinkle true and correct to the best of our knowledge and are part of the official records of this office.

These minutes are condensed for printing purposes.

**VILLAGE OF ALVO
BOARD OF TRUSTEES AGENDA
February 20th, 2024, at 7:30 P.M.
135 Main Street, Alvo, Nebraska**

Call the meeting to order.

Announce location of the Open Meetings Act and any public documents to be discussed at the meeting.

Roll Call.

Communication of Citizens

Hear requests from individuals present. Each speaker will be allowed 3 minutes, no action will be taken on topics presented until the Board of Trustees review the topics and deem appropriate for action to be taken. Notice: This is a Board of Trustees meeting held in public, not a meeting of the public. There will be no disruption to the meeting in progress. This allotted time is not a Q and A platform between the speaker and the Board. You will be asked to leave if you interrupt or cause disruption. Thank you for your courtesy.

Consent to February 20th, 2024, Agenda.

Agenda

- 1. Discuss, consider, and vote to amend Village of Alvo Ordinance No. 20-02, Section 1 to amend the date to March 2024, Section 7 to amend the verbiage to reflect the recently passed water bill \$30.00 penalty fee, an additional 10% penalty of the total balance for accounts with revolving debt balances from Resolution No. 2024-001, and to amend the PASSED AND APPROVED date to Feb 20th, 2024. Vote to waive three separate days of reading.**
- 2. Discuss, consider, and vote to purchase a chainsaw and/or pole saw for Village of Alvo, in an amount not to exceed \$400 for tree maintenance purposes.**
- 3. Discuss, consider, and vote to accept Hydro Optimization & Automation (HOA) Solutions recommendation to the Village of Alvo for programming and power supply changes for the North well and South well to be blended and alternate. Proposal in the amount of \$1,193.00, payment in full upon completion of work.**
- 4. Discuss, consider, and vote to apply PeopleService's service fees and Village penalty fees to 310 Harrison St. for tampering and theft of services.**
- 5. Discuss, consider, and vote to inquire and potentially obtain legal services for the Village of Alvo.**
- 6. Discuss, consider, and vote for the Village of Alvo to obtain a Municipal Website.**

Reports

7. Village of Alvo Treasurer Report.

Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.

League of Municipalities	2/14	Unknown	\$ 421.00
USPS	3/13	Postage	\$ 11.15
Maguire Iron	8/22	Water Tower Repair	\$ 10,000.00
Burton Asphalt LLC	9/7	Road Contract	\$ 5,000.00
Burton Asphalt LLC	9/15	Road Contract	\$ 10,000.00
Burton Asphalt LLC	9/20	Road Contract	\$ 5,000.00
USPS	10/6	Postage	\$ 6.66
		Unemployment Auto Payment	\$ 56.81
		Total	\$ 30,495.62

Adjourn to Executive Session for the Workshop with GBE CPA for the Village of Alvo to improve internal processes and procedures.

Adjourn meeting.

Adjournment: The Board of Trustees reserves the right to adjourn to Executive Session per State Statute 84-1410.

VILLAGE OF ALVO
 BOARD OF TRUSTEES AGENDA
 February 6th, 2024, at 7:30 P.M.
 135 Main Street, Alvo, Nebraska

Alex, Eathan, Detrick, Keith, Nathan
 Brause, Shinkle, Jordan

Call the meeting to order. 7:31pm

Announce location of the Open Meetings Act and any public documents to be discussed at the meeting.

Amanda Read, oath. Devon Sworeme in

Amanda Shinkle takes oath of office as Village of Alvo Clerk/Treasurer.

Roll Call.

Cathina here
 Gary absent
 Larry absent
 Roger absent
 Devon here

Communication of Citizens

Hear requests from individuals present. Each speaker will be allowed 3 minutes, no action will be taken on topics presented until the Board of Trustees review the topics and deem appropriate for action to be taken. Notice: This is a Board of Trustees meeting held in public, not a meeting of the public. There will be no disruption to the meeting in progress. This allotted time is not a Q and A platform between the speaker and the Board.

You will be asked to leave if you interrupt or cause disruption. Thank you for your courtesy.

Malibu on Main, Zachs Behalf asking public

Consent to February 6th, 2024, Agenda.

yes x 3 Larry/roger absent

Agenda

1 Discuss, consider, and vote on approval of January 9th, 2024, Regular Meeting of the Board of Trustees Minutes. Cathina 1st L-A
 Gary 2nd R-A DYES

pass

-2. Discuss, consider, and vote on Ordinance 2024-001.

2018 priority talked about. This resolves any s

Cathina 1st C ✓ LX DV
 Gary 2nd G ✓ RX DV

3. Discuss, consider, and vote on the Resolution 2024-001.

contradiction with no prior repels

change fence SOB G M
 D 2nd

C ✓ LX DV
 G ✓ RX DV

4. Discuss, consider, and vote on the Resolution 2024-002.

Bonds

C M
 D 2nd

C ✓ LX DV
 G ✓ RX DV

5. Discuss, consider, and vote on approval of 2024 Bond and Application Fees for Amanda Shinkle, Cathina Schueth, and Devon Sullivan.

100, 250, 250 difference in cost
 totally 600\$

C M
 G 2nd

C ✓ LX DV
 G ✓ RX DV

6. Discuss, consider, and vote on 2024 Village Engineer and 2024 Street Superintendent application forms from JEO Consulting Group INC.

Discussed JEO's prior knowledge on the village infrastructure

Steve PARR voted as

C M
 D ? 2nd

C ✓ LX DV
 G ✓ RX DV

Old Business

7. Discuss and reconsider vote to join the National Flood Insurance Program. Unable to apply due to the requirements.

revoke - Recant and vote as a NO

C M
 D 2nd

C ✓ LX DV
 G ✓ RX DV

8. Discuss and reconsider vote for attending League of Nebraska Municipalities 2024 Midwinter Conference at a rate of \$500/per person. Voted on previously during the Jan 6th, 2023 not to exceed 300\$/per person.

Reports

only Amanda

DM
G 2nd

GV LK DV
GV RK DV

9. Village Of Alvo Clerk Report.

- Feb 1st test
10. Water and Sewer Report. - ch 310 Harrison. People Service Amphours
Clobaform Present. HOA - Cathina Service Amphours
11. Fire Report. NO Calls in Alvo Rescue or fire. Rogerrenou

12. Village of Alvo Treasurer Report.

Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.

Maguire Iron	Water Tower Repair	\$ 2,500.00
PeopleService	Contract Labor	\$ 940.00
OPPD	Electric	\$ 697.01
Neb Public Health Lab	Water Testing	\$ 15.00
Lee Advertising	Publication	\$ 124.43
Payroll Board of Trustees	December 5th, 2023, Regular Meeting	\$ 125.00
Intuit QuickBooks	Accounting & Checks (Annual Fee)	\$ 1,307.29
Neb. Dep. Of Revenue	Taxes 2 nd Quarter of 2023	\$ 90.69
United States Treasury	Taxes 4 th Quarter of 2023	\$ 559.00
United States Treasury	Employers Annual Federal Unemployment 2023 (FUTA) Tax	\$ 55.20
United States Treasury	Employer's Federal Tax Return	\$ 2,529.90
United States Revenue	Sales Tax 3 rd Quarter	\$ 406.40
United States Revenue	Sales Tax 4 th Quarter	\$ 348.15
Office Depot	Office supplies	\$ 346.83
McAfee	Anti-Virus Software	\$ 6.60
Casey's General	Fuel	\$ 135.14
Great Plains Service Inc.	Propane for Dec. 2023 & Jan. 2024	\$ 475.15
GBE CPA	FY2023 Audit Waiver Fees	\$ 4,750.00
Windstream	Phone	\$ 117.55
Travelers	Insurance	\$ 6.00
Citizen - Scott Marcoe	1995 Ford F-350	\$ 1100.00
Chastain Otis	Bond and Application fees	\$ 600.00
Tyler technologies/Nebraska.gov	MagTek DynaPad and fees	\$ 130.00
Payroll	Board of Trustees	\$
Payroll	Clerk/Treasurer	\$
	Total	\$ 17,365.36

C-M
D-Znd

GV LV
GV RV OV

Previously approved payment for Intuit QuickBooks for the months of Nov. 2023, Dec. 2023, and Jan 2024 considered null & void due to Premium Subscription corrupt, received prorated refund on existing subscription and renewed with Gold Subscription

Check No. 12015 issued to Nebraska Department of Labor for \$56.97 from Nov 20th Voided due to no delinquency charges

< Adjourn to Executive Session for the discussion of Village of Alvo's investigation. >

Adjourn meeting.

7:56 PM executive session *

8:17 pm ending executive session

Thanking for

8:17 pm

March 5th 2024

Alexander Brice
Nebraska Digger

Taylor Brown
Devon

Roger Paul

Chris Julif

Ty Felhafer

Nathan Jordan

Feb 20th

**Village of Alvo
Regular Board of Trustees Meeting Minutes**

Meeting Date and Time
Date of Meeting: March 5th, 2024
Time of Meeting: 7:30 PM

Meeting Location
Location of Meeting: Village Of Alvo Hall
135 Main St
Alvo, Nebraska 68304

Advance Publicized Notice: Ashland Gazette, Village of Alvo Hall, Nebraska Diggers,
and Langer Industries

Meeting Attendees
Present at Meeting: Chairperson: Devon Sullivan
Trustee: Gary Estes
Trustee: Cathina Schueth
Trustee: Roger Paul
Trustee: Larry Langer
Clerk/Treasurer: Amanda Shinkle

Citizen: Chris Julifs
Citizen: Brian Albrecht
Citizen: Brandy Jordan
Citizen: Nathan Jordan
Citizen: Dennis Tempelmeyer
Citizen: Alvin Hinkle
Citizen: Robin LaPage
Citizen: Alyssa Long
Citizen: Hunter Long
Citizen: Eathan Brase
Guest: Matt Staffered
Guest: Perry Pirsch

Absent from Meeting:

Absent: 0

The regular meeting of the Board of Trustees of Village of Alvo was called to order at 7:30 PM on March 5th, 2024, at Village of Alvo Hall by Devon Sullivan.

I. Communications of Citizen

Robin LaPage wanted clarification and do voice her displeasure in receiving informational notice of improper parking that was sent to her 2/18/2024, due to obstructing the alleyway, LaPage says she parked in the alleyway due to inaccessibility to her home only during the storm in January 2024. Keith Hinkle discussed the potholes in the roadway on Fletcher Ave./1st Street due to the

weather and plowing. Nathan Jordan brought to the board's attention the wearing of the American Flag that was replaced in July 2023 and questioned when Christmas ornaments that had already been taken down by chairperson Devon Sullivan would be removed. Brandy Jordan asked the board about Ordinance 2024-001, the Nebraska Open Records Act, and State Statute 84-712.

II. Approval of Agenda

Cathina Schueth motioned to amend the Treasurers report by adding \$400 GBE CPA, \$132.87 Windstream, \$172.70 Lee Advertising, \$697 Travelers, and to add an agenda item after executive session, to vote to hire a Village of Alvo attorney.

Cathina Schueth: Motioned

Gary Estes: Seconded

Citizen Robin LaPage and Brandy Jordan disrupted the meeting to announce that amending the agenda before approval of the agenda is not allowed and makes the meeting illegal. Brandy Jordan states that it was an illegal action and that everyone should leave due to the meeting being illegal. Brandy and Robin are the only two that left the Village Hall.

Vote: Yes-5, No-0

Motion Carries

Consent to the March 5th, 2024, agenda.

Vote: Yes-5, No-0

Motion Carries

The agenda for the meeting was distributed and approved by a majority of those present.

III. Review of Previous Minutes

The minutes of the previous meeting were reviewed and approved by a majority of those present.

IV. Consideration of New Business

- **Agenda item #1.** Discuss, consider, and vote to increase the Municipal Clerk/Treasurers wage to \$500.00 each, at a monthly flat-rate basis after taxes. With a \$15.00 per hour rate for attending mandated training and conferences related to this role.
Roger Paul: Motioned.
Larry Langer: Seconded.
Vote: Yes-5, No-0
Motion Carries
- **Agenda item #2.** Discuss, consider, and vote on Ordinance 2024-002 which amends Ordinance No. §1-904 COMPENSATION: SALARIES OF EMPLOYEES of the Village of Alvo Municipal Code; to amend verbiage or parts of ordinance to reflect current salaries with description and procedures. An ordinance to amend compensation and salaries of employees for the Village of Alvo. Vote to waive three separate days of reading. The proposed amendment adds clarity to provide sections 1,2, and 3 to the ordinance. Increases the municipal clerks pay, include the municipal treasurers pay,

provide clarity that this is a monthly flat-rate base pay after taxes, additionally provide hourly rate for training conferences, and to provide clarity on policy and procedures. Ordinance 2024-002 was read aloud, and a copy was available for public viewing and inspection.

Cathina Schueth: Motioned.

Larry Langer: Seconded.

Vote: Yes-5, No-0

Motion Carries

- **Agenda item #3.** Discuss, consider, and vote on Ordinance 2024-003. which amends Municipal Code No. §3-106 MUNICIPAL WATER DEPARTMENT: INSALLATION EXPENSE of the Village of Alvo Municipal Code; to amend verbiage to reflect the recently passed tap fee in the sum of \$500.00. Vote to waive three separate days of reading. The overview of Ordinance 2024-003 was read aloud, and a copy was available for public viewing and inspection.

Roger Paul: Motioned

Gary Estes: Seconded

Vote: Yes-5, No-0

Motion Carries

- **Agenda item #4.** Discuss, consider, and vote on Ordinance 2024-004 which amends Ordinance No. §3-107 MUNICIPAL WATER DEPARTMENT: FEES COLLECTIONS of the Village of Alvo Municipal Code; to amend verbiage to reflect the 1,000-gallon minimum per month at a \$30.00 rate, cost per 1,000 gallons over minimum to a \$3.00 rate, and now includes the Sewer rate of \$40.00. Vote to waive three separate days of reading. The overview of Ordinance 2024-004 was read aloud, and a copy was available for public viewing and inspection.

Roger Paul: Motioned.

Larry Langer: Seconded.

Vote: Yes-5, No-0

Motion Carries

IV. Reports

- **Agenda item #5.** Village of Alvo Clerk Report.
One open records request received by the Village of Alvo, one open records request denied. No misc. documents filed with the Village, and no new loose animal reports.
- **Agenda item #6.** Village of Alvo Water and Sewer Report. Absent for E. coli and Coliform. The water tower wall heater failed causing the transducer to freeze overnight on February 27th, 2024, alternative heater was plugged in, and the issue resolved by PeopleService.
- **Agenda item #7.** Fire report. No fire or rescue calls this month.
- **Agenda item #8.** Village of Alvo Treasurer Report.
Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.

\$111.10 (OPPD), \$293.93 (Great Plains Services), \$2,500.00 (Maguire Iron), \$1,045.00 (PeopleService), 218.37 (Office Depot), \$697.00 (Travelers), \$15.00 (Neb. Public Health Lab), \$262.06 (Department of Revenue), \$26.28 (Department of Revenue), \$4.33 (Department of Revenue), \$250.00 (Payroll Board of Trustees), \$825.00 (Payroll Clerk/Treasurer), \$400 (GBE CPA), \$172.60 (Lee Advertising), \$132.87 (Windstream)

****Feb 2024 Approved Payment for Larry Langer void and null- Error Larry Absent Jan. 9th, 2024, meeting no payment**Scribners Error showing payment in the amount of \$5,000 to Security Frist Bank—payment not made or approved, Treasurers Report only amended for the amount totaling \$6,956.54 with the approved claims****

Roger Paul: Motioned

Larry Langer: Seconded

Vote: Yes- 5, No- 0

Motion Carries

Adjourn to Executive Session for the discussion regarding Village of Alvo Attorney Perry Pirsch.

Chairperson Devon Sullivan declares to be back into the regular meeting of the Village of Alvo Board of Trustees at 10:08 P.M. and invites the public back to the remaining portion of the meeting.

****Scribners Error** Retaining not regarding****

Agenda item #9. Vote to obtain Perry Pirsch's law firm known as Pirsch Legal Services as the Village of Alvo attorney.

Nebraska State Stute 84-1411 states the public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

Gary Estes: Motioned.

Larry Langer: Seconded.

Vote: Yes-5, No- 0

Motion Carries

Meeting adjourned at 10:09 P.M. by Devon Sullivan

V. Agenda and Time of Next Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Chairperson and Village Board will be held at 7:30 PM on May 7, 2024, at:

Village Of Alvo Hall

135 Main St

Alvo, Nebraska

68304

Minutes completed by: Clerk/treasurer Amanda Shinkle.

We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Amanda Shinkle true and correct to the best of our knowledge and are part of the official records of this office.

These minutes are condensed for printing purposes.

Village of Alvo
Regular Board of Trustees Meeting Minutes

Meeting Date and Time	
Date of Meeting:	April 2, 2024
Time of Meeting:	7:30 P.M.

Meeting Location	
Location of Meeting:	Village Of Alvo Hall 135 Main St Alvo, Nebraska 68304

Meeting Attendees	
Present at Meeting:	Chairperson: Devon Sullivan Vice Chairperson: Cathina Schueth Trustee: Gary Estes Trustee: Larry Langer Clerk/Treasurer: Amanda Shinkle Citizen: Nathan Jordan Citizen: Brandy Jordan
Absent from Meeting:	Absent: 1 Trustee: Roger Paul

The regular meeting of the Board of Trustees of Village of Alvo was called to order at 7:34 PM on April 2, 2024, at Village of Alvo Hall by Devon Sullivan.

Scriveners' error on Dec. 5th Meeting Minutes, Feb. 6th Meeting Minutes, March 5th Meeting Minutes corrected.

I. Communications of Citizen

Citizen Nathan Jordan asked what 50-multi-jet meters with 50- 5' cables meant. Devon Sullivan explained that it is the physical meter that connects to the water line and reads the water usage.

II. Approval of Agenda

The agenda for the meeting was distributed and approved by a majority of those present.
Vote: Yes-4, No-0 Absent-Roger Paul
Motion Carries

III. Review of Previous Minutes

The minutes of the previous meeting were reviewed and approved by a majority of those present.

IV. Consideration of New Business

- **Agenda item #1.** Discuss, consider, and vote on approval of February 20th, 2024, Regular Meeting of the Board of Trustees Minutes.

Cathina Schueth: Motioned
Gary Estes: Seconded

Vote: Yes-4, No-0, Absent-Roger Paul
Motion Carries

- **Agenda item #2.** Discuss, consider, and vote on approval of March 5th, 2024, Regular Meeting of the Board of Trustees Minutes.

Cathina Schueth: Motioned
Gary Estes: Seconded

Vote: Yes-4, No-0, Absent-Roger Paul
Motion Carries

Once agenda item #2's motion and second was voted on, citizen Brandy Jordan outburst declaring "the meeting is now an illegal meeting and I suggest everyone leave." Brandy Jordan left the Village Hall, no one accompanied her. Devon Sullivan asked the disruption of the meeting be noted in the minutes.

- **Agenda item #3.** Vote to accept contract with Perry Pirsch of Pirsch Legal Services to fill position of Village of Alvo Attorney.
Review of services/rates was provided to the village in verbal and written form.

Larry Langer: Motioned
Cathina Schueth: Seconded

Vote: Yes-4, No-0, Absent-Roger Paul
Motion Carries

- **Agenda item #4.** Discuss, consider, and vote on USABlueBook's quote for 50 – multi-jet meters with 50 – 5' cables in the amount of 7,957.03.
Larry Langer suggested to table this until the May 7th, 2024, meeting as to discuss Rural water providing the meter install services. Cathina Schueth explained how this is just for the purchase of the meters not the installation. Discussion was had on the amount of time it's taken to receive the bid for the product as well as the cost per meter/cable.

Cathina Schueth: Motioned
Gary Estes: Seconded

Vote: Yes-4, No-0, Absent-Roger Paul
Motion Carries

- **Agenda item #5.** Discuss, consider, and vote to approve applicants, Ty Fellhauser, Scott Barnes, Elliot Silva, Devon Sullivan, and Cathina Schueth for the Village of Alvo Volunteer Fire Department.

Ty Fellhauser Vote Yes-4, No-0, Absent-Roger Paul

Scott Barnes Vote: Yes-4, No-0, Absent-Roger Paul

Elliot Silva Vote: Yes-4, No-0, Absent-Roger Paul

Devon Sullivan and Cathina Schueth's applications were held until full quorum approval.
Both Abstain.

- **Agenda item #6.** Discuss, consider, and vote to designate Village of Alvo bank account ending in 258 as community events account.

Larry Langer: Motioned

Gary Estes: Seconded

Vote: Yes-4, No-0, Absent-Roger Paul

Motion Carries

- **Agenda item #7.** Discuss, consider, and vote to designate \$1000.00 from the community events account for Alvo Days 2024.

Devon Sullivan: Motioned

Larry Langer: Seconded

Vote: Yes-4, No-0, Absent-Roger Paul

Motion Carries

- **Agenda item #8.** Discuss, consider, and vote to purchase two new American Flags, one to replace current one and one for back up.

Cathina Schueth: Motioned

Gary Estes: Seconded

Vote: Yes-4, No-0, Absent-Roger Paul

Motion Carries

V. Reports

- **Agenda item #9.** Village of Alvo Clerk Report. No loose dog reported. No Miscellaneous documents filed with the village. No complaints were reported to the village. One open record request pending litigation.
- **Agenda item #10.** Water and Sewer Report. The water tested positive for Coliform, PeopleService will need to be contacted in regard to it.

- **Agenda item #11.** Fire Report. The Village of Alvo Volunteer Fire Department had an organizational meeting and equipment review on March 21st, 2024. The Village of Alvo is pleased to announce that there are currently over 10 Volunteer Fire Dept. members. A number of Volunteers will be obtaining Firefighter 101 Training and Certification. \$300 has been donated by Bornemeier farms to cover the cost of the Volunteer Fire Department breakfast for Alvo Days. 9 total sponsors for Alvo Days have been obtained.
- **Agenda item #12.** Village of Alvo Treasurer Report.
Discuss, consider, and vote to approve Village of Alvo payment of the claims, wages, and taxes.

\$560.18(OPPD), \$103.74(Great Plains Services Inc.), \$2,500.00(Maguire Iron), \$1,642.49(PeopleService), \$320.00(Neb. Public Health Lab.), \$50.44(Department of Revenue), \$883.68(Internal Revenue Services), \$1,543.65(Internal Revenue Services), \$141.24(Lee Advertising), \$117.98(Windstream), \$204.00(USPS), \$150.00(Payroll-Board of Trustees) , \$1198.33(Payroll-Clerk/Treasurer)

Cathina Schueth: Motioned
Larry Langer: Seconded

Vote: Yes- 4, No- 0, Absent-Roger Paul
Motion Carries

Meeting adjourned at 7:53 P.M. by Devon Sullivan

V. Agenda and Time of Next Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Chairperson and Village Board will be held at 7:30 PM on May 7th, 2024, at:
Village Of Alvo Hall
135 Main St
Alvo, Nebraska
68304

Minutes completed by: Clerk/treasurer Amanda Shinkle.
We, the Village of Alvo Board of Trustees, do hereby certify the above minutes taken by Amanda Shinkle true and correct to the best of our knowledge and are part of the official records of this office.
These minutes are condensed for printing purposes.

VILLAGE OF ALVO

2024 CAR SHOW REGISTRATION

JUNE 1ST 2024

135 MAIN ST, ALVO NE, 68304

SHOW OPEN TO ALL VEHICLES

NAME		EMAIL	
ADDRESS		PHONE	
CITY		STATE	ZIP
Vehicle Make	Year/Model		Category



| DIVERSE RANGE OF VEHICLES |

| TROPHIES FOR EACH CATEGORY |

- | | | |
|---|--|--|
| Street Rod
A. 1931 & Older
B. 1932 -1938
C. 1939-1948 | American - Modified
L. 1939 & Older
M. 1940 -1954
N. 1955-1969
O. 1970-1989
P. 1990-2009
Q. 2010 - Current | Mustang
V. 1964-1973
W. 1974-1999
X. 2000 - Current |
| American - Stock
D. 1939 & Older
E. 1940-1949
F. 1950-1959
G. 1960-1969
H. 1970-1979
I. 1980-1989
J. 1990-1999
K. 2000- Current | Pickup
R. Stock any year
S. Modified any year | Corvette
Y. 1953-1979
Z. 1977-1999
AA. 2000 - Current |
| | Trucks
T. Over the road
under 10 wheels
U. Over the road
over 10 wheels | Motorcycles
BB. Asian/European
CC. American |
| | | Import - Stock
DD. 1990 & Older
EE. 1991 - Current |



| DELICIOUS FOOD |

Breakfast: 7AM-10AM - Loaded Breakfast Burritos-
(Proceeds to benefit Volunteer Fire Dept.)

Lunch Served: 11:30AM - Pulled Pork - Hot Dogs- Chips- & more
(Proceeds to Village of Alvo Park/Playground)

| FAMILY FRIENDLY ACTIVITIES |

Make Your Own License Plate Stand

Face Painting

Bounce House

Yard Games

Piston Throwing Competition
(18+ Adults only)

| RAFFLE |

Home Defense 12 Gauge Pump Shotgun

Community Preparedness Training Center, LLC; 10 - One Day passes

Whole Hog & Processing - Unadilla Meat Locker; M K Meats - June 11th

and more

By execution of this form I hereby release the Village of Alvo and the Village of Alvo Volunteer Fire Dept. from any or all damages during this event.

Signature

Pre-Registration \$10 | Day-of-Registration \$15

Make Checks payable to Village of Alvo



Sullivan Flooring
308-778-6106

Quality Fabrication & Steel
Co. Inc.



FOR MORE INFORMATION CONTACT

Cathina Schueth / Cell 531-500-9164

Village office 402-781-9201 / villageofalvo@outlook.com



Village of Alvo



2024



• ANNUAL CAR SHOW •

JUNE 1ST 2024

135 MAIN ST, ALVO NE, 68304

CHECK IN & DAY OF REGISTRATION: 9AM-12PM

SHOW: 12PM-4PM AWARDS: 3PM

PRE-REGISTRATION: \$10 DAY-OF-REGISTRATION: \$15

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- | | | |
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and more

| FAMILY FRIENDLY ACTIVITIES |

- Make Your Own License Plate Stand
- Face Painting
- Bounce House
- Yard Games
- Piston Throwing Competition
(18+ Adults only)

| SPONSORS |



Sullivan Flooring
308-778-6106



| MAIL PRE-REGISTRATION & PAYMENT TO |

Village of Alvo
P.O. Box 408
Eagle, NE 68347

| CONTACT |

| Cathina Schueth | Phone: 531-500-9164 |
| Village of Alvo | Phone: 402-781-9201 |
| Email | villageofalvo@outlook.com

Make Checks payable to Village of Alvo

| REGISTRATION |

| NAME |

| EMAIL |

| ADDRESS |

| PHONE |

| CITY |

| STATE | | ZIP |

| VEHICLE MAKE |

| YEAR/MODEL |

| CATEGORY |

By execution of this form I hereby
release the Village of Alvo and the
Village of Alvo Volunteer
Fire Dept. from any or all damages
during this event.

Signature

Certificate of Service

I hereby certify that on Monday, June 24, 2024 I provided a true and correct copy of the Amended Complaint to the following:

Village of Alvo represented by Pirsch,Perry,A. (Bar Number: 21525) service method:
Electronic Service to Perry@NebraskaBusiness.Legal

Shinkle,Amanda, represented by Pirsch,Perry,A. (Bar Number: 21525) service method:
Electronic Service to Perry@NebraskaBusiness.Legal

Signature: /s/ CARTIER, JOHN D (Bar Number: 26307)