

VILLAGE OF MURRAY, NEBRASKA

October 8, 2019

The Murray, Nebraska Board of Trustees met in regular session on Tuesday, October 8, 2019, at 7:00 pm in the Murray Municipal Building. Present: Trustees: Stan Flak, Jeff Anderson, Theresa Sallach, and George Blessing; Village Clerk Shelli Hayes; attending: guests.

Notice of the meeting was given in advance thereof by posting in (3) three public places as shown by the certificate attached to these minutes. Notice of the meeting was simultaneously given to the Chairman and all members of the Board of Trustees. Their acknowledgement of receipt of notice and agenda is attached to these minutes. All proceedings thereafter were taken while the convened meeting was open to the attendance of the public.

Chairman Flak called the meeting to order at 7:00 PM and informed the audience of the location of the open meetings act poster.

Approval and/or correction of the minutes of the September 10, 2019 regular meeting; Motion by Anderson, seconded by Blessing to approve the minutes of the September meeting; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Treasurer's Report. Motion by Blessing, seconded by Sallach to acknowledge receipt of the Treasurer's report; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Claims approval. Motion by Anderson, seconded by Sallach to approve the claims as presented; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Maintenance Report.

Motion by Flak, seconded by Sallach to appoint citizen volunteers Robert Hayes and Gale Stanton to the Planning Commission; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Planning Commission Report. Chairperson Ericka Olson reported that the next Planning Commission meeting will be October 22, 2019, at 7:00 pm, at the Murray Municipal Building, and everyone is welcome to attend.

George Collins spoke regarding his request for a storage container on his property at 205 E Main. Motion by Blessing, seconded by Sallach to allow the placement of a storage container in the village of Murray; ayes: Blessing; nays: Anderson, Sallach, Flak; motion failed.

Chairman Flak discussed an amendment to the wording of Ordinance 150.22 regarding duplicate building permits forwarded to County Assessor if over \$2,500 in value. Flak proposed amending the wording to remove the amount and forward all permits to assessor regardless of value. Motion by Blessing, seconded by Sallach to suspend the Reading Requirement (3) to amend ordinance (30.25); ayes: Anderson, Blessing, Sallach, Flak; motion carried. Motion by Anderson, seconded by Blessing to amend the wording of Ordinance 150.22 to reflect all permits to be sent to the County Assessor regardless of project amount; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Motion by Sallach, seconded by Anderson to proceed with 2nd Notice of Nuisance to the

owner of the lot located at Latta & Hwy 1 (Potter); ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Chairman Flak announced the Board of Trustees received the resignation of Trustee Brian Coffman. Notice will be published and posted advising applications to fill the position will be received until November 4, 2019, after which time, Flak will make recommendations of an appointee to the Board of Trustees at the November 12 meeting. The appointed trustee will complete the remaining term which goes to December 2020. Applicant must be a US Citizen, a resident of Murray, and a registered voter.

Jesse Drumheller spoke regarding his property located on E Campbell, the three storage buildings previously owned by the lumber yard. He requested verification that his property, currently zoned C-2, is approved for storage of campers, boats and RVs for both indoor and outdoor storage. Chairman Flak advised C-2 allows storage, as previously the lumber yard stored lumber, so there is no need for any change or hearing. Flak asked Mr. Drumheller if he would be willing to erect a perimeter fence if necessary; Drumheller stated he would. Flak restated that the property is zoned C-2, and we will allow storage under C-2 by the regulation.

Chairman Flak stated a proposal for amending the Disturbing the Peace ordinance has been developed and distributed to the trustees prior to the meeting. Motion by Flak, seconded by Anderson to add the additional wording regarding noise to the Disturbing the Peace ordinance: ayes: Anderson, Flak; nays: Blessing, Sallach; motion resulted in tie and discussion tabled until next meeting.

Chairman Flak advised update on the sewer on Young Street, quotes for repair have been received, but further investigation and discussion is ongoing.

Chairman Flak spoke regarding the imminent domain case for 106 N Park. He stated he will meet with the attorney on October 17 and accompany the court-appointed appraisers to tour the property to obtain their determination of property value.

Danielle Dring, attorney at Smith-Slusky Law spoke on behalf of Jeremy Masid regarding the disposition of Barry Rd. She advised there are problems with the quit claim deed that was issued to the property owners on October 1. She stated Mr. Masid is requesting more than half of Barry Rd be deeded to him due to the amount of property he owns adjacent to Barry Rd. Ms. Dring asked that the board allow her to obtain an accurate legal description and do an administrative subdivision of that portion of Barry Rd so it can be accurately conveyed to the adjacent parcel owners. She stated that would allow both property owners to receive an equitable division of the road. Ms. Dring advised Mr. Masid is willing to pay the necessary fees to determine the accurate legal description, and she will be happy to draft the deed for both parties.

Chairman Flak stated that it appears the other property owner, Mr. Henry, would get half of a half; Ms. Dring stated yes, Mr. Masid would get three-quarters. Flak asked why Mr. Masid should get three-quarters of the property. Ms. Dring stated Masid owns the majority of the parcels surrounding Barry Rd, and as it would break down in terms of a normal, common-law relationship, if you have several parcel owners with an alleyway that is not maintained by any municipal authority, the adjacent parcel owners are required to essentially split the alleyway

down the middle and maintain it as a whole. She stated that they are requesting the split here be reflective of the same principle.

Chairman Flak stated that since we now understand Mr. Masid's request, he would like to speak with Mr, Henry and do further research on this matter. Flak stated that the village has no interest in this matter; we just want to do what is right for the property owners. Chairman Flak stated this matter will be continued with a possible conference call to work toward a solution.

Audience member Lamar St Clair introduced himself and his girlfriend Heather, and advised they recently purchased the property at 716 Sunrise Circle, and he asked for a full copy of the Village Ordinances. Clerk Hayes advised she will provide the Code of Ordinances to him by email.

Motion by Anderson, seconded by Blessing to enter Executive Session at 8:05 pm; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Motion by Blessing, seconded by Sallach to exit Executive Session at 8:15 pm; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Motion by Blessing, seconded by Sallach to make no changes to Barry Avenue at this time and keep it as a road in the Village of Murray as it was before; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

Motion by Blessing, seconded by Sallach to adjourn the meeting at 8:17 pm; ayes: Anderson, Blessing, Sallach, Flak; motion carried.

I, the undersigned Village Clerk of the Village of Murray, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Chairperson and the Board of Trustees of the Village of Murray to the best of my knowledge; that the agenda was kept continually current and available for public inspection at the office of the Village Clerk; that the minutes were in written form and available for public inspection within (10) working days and prior to the next convened meeting of said body; **the minutes are published in summary form, upon request a complete copy is available at the Village Office.**

Stanley D. Flak, Chairman
Shelli S. Hayes, Village Clerk

October 8, 2019

SUPPLIER	AMOUNT	DESCRIPTION
Bohl Plumbing & Htg Inc.	131.88	backflow tests-2 pits
Beaver Lake Assn	4,320.20	sewer fees
Black Hills Energy	0.00	natural gas
Bomgaars	242.83	wrench kit, fluids
Cassgram	130.00	ad for maint op
Canon Financial Svcs., Inc.	124.00	copier lease
CCRW #1	2,913.90	water purchased-Sept
CCRW #1	100.00	used power tools
Cass County Sheriff	85.41	civil proc srvc Neben-Dougherty

DHHS Div of Public Health	28.75	wtr op license-Hayes
EFTPS	1,659.34	federal withholding-Sept
El Dorado Printing	222.34	billing cardstock
Grainger	131.82	meter read wire
It's Your Call	210.00	cleaning Town Hall/Tyson bathroom
LARM	10,828.49	insurance renewal
Lincoln Journal Star	331.48	publishing
Michael Todd & Co. Inc.	419.10	stop signs
Murray Repair	2,799.00	service truck
NE Public Health Environ Lab	263.00	water tests
NMC	446.33	repair backhoe
NE Dept of Revenue	1,248.99	sales tax-Sept
NE Dept of Revenue	716.93	state withholding 3rd Qtr
Ne State Treasurer	80.00	dog/cat lic fee-fiscal 2018-2019
NPPD	1,301.40	electric
One Call Concepts	6.15	utility locates
Quill Corporation	94.51	office supplies
Petty Cash	37.44	off supp, postage
Premier Waste Solutions	2,737.28	trash/recycle contract
US Post Office	70.00	postage
Ruge, Douglas W.-Atty	3,659.09	real estate atty fees
Savage Plumbing Inc. (9/16/19)	567.50	compliance work-Tyson Park
Speck, Jerome G. Sr.	684.79	reimb for cell phone
Utility Equipment Co.	58.00	curb stop handle 7'
USA Bluebook	806.58	barricade-cones-lights/safety grant
USA Bluebook	42.99	leak detector
Verizon Wireless	140.13	cell phone
Windstream	311.91	phone
Payroll	5,206.24	payroll

Claims Total	43,157.80
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