

September 13, 2011

**VILLAGE OF WATERLOO  
REGULAR MEETING MINUTES  
September 13, 2011**

The Board of Trustees of the Village of Waterloo met for a Regular Meeting on September 13, 2011 at 7:00 p.m. at the Village Office, 509 S. Front Street.

**PRESENT:** Stanley E. Benke, Jr., Chairman  
Garry Lee, Vice-Chairman  
Bill Rotert, Trustee  
Tom Harrie, Trustee

**ABSENT:** Jeff Barnes, Trustee

**ALSO PRESENT:** Nancy Hert, Village Clerk  
Ken Bunger, Attorney

**OPEN MEETING**

Chairman Benke called the meeting to order at 7:00p.m. and stated the location of the Open Meetings Act. Notice of the meeting was duly exercised and mailed per the bylaws.

**PUBLIC COMMENTS**

The meeting was opened for public comments and Tom Embrey approached the Board about a fence that was put up by a property owner east of his house. He said the owner did not get a permit and he believes the fence is on his property. After some discussion, the Board asked Hert to notify the property owner that he needs a permit and now must also provide a survey of the lot.

**MOTIONS TO APPROVE**

Minutes from the following meetings were approved as presented, as well as the August financials:

- August 23, 2011 Budget Workshop
- August 23, 2011 Special Meeting
- August 29, 2011 Special Meeting
- September 9, 2011 Special Meeting

**Accounts Payable:** Motion by Benke, second by Lee to pay the bills including the bills presented at the meeting. (Listed below) All in favor, the following bills will be paid:

Alamar-Police Uniforms 1013.39, All Makes Office-Police supplies 63.30, Barco-Street paint 90.81 Barnes and Noble-Library books 762.92, Bi-State Motor-Shop supplies 163.53, Black

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Hills-Heat 125.07, Bluecross Blueshield-Health Insurance 1277.34, Cox Communications-phone and internet 591.41, Danko-Bunker gear 3918.25, Dennys-Street repairs 120.90, Douglas County Post Gazette-Publications 97.33, Elkhorn Auto-Truck repairs 565.50, Elkhorn Hardware-supplies 8.96, Erickson-2<sup>nd</sup> Street lawsuit 12,685.52, Fireguard-Bunker equipment 48.98, Ford Motor Credit-Police cruiser 629.72, FSH Communications-Payphone 63.90, JQ Office-Office copier 61.25, JEO-General Engineering Services 2940.00, Joan Wells-Harvest Days entertainment 600.00, Jorgensen-3<sup>rd</sup> Street Repairs 1200.00, Jorgensen-Mileage 9.15, Law-Harvest Days tickets-80.00, League-Membership dues 2173.00, Liquid Engineering-Water tower 1123.58, MUD-Cost of water 10,693.04, Hert-Mileage 66.05, Nebraska Dept. of Revenue-Taxes 150.00, 25.00, Office Depot-Supplies 198.94, OPPD-Electricity 4665.44, Orkin-Fire Dept. bldg. maintenance 53.50, Oyster-Petty cash 97.24, Papillion Sanitation-Trash pick-up 102.87, PeopleService-Utility Services 10,115.00, Petting Zoo-Harvest Days 350.00, Pippa White-Harvest Days entertainment 350.00, Pratt Audio-Harvest Days 112.35, Publication Printing-Police/Library 127.00, Sams-Membership fees 40.00, Schroeder-CPA/Budget 3549.00, Signex-Harvest Days 279.00, Stanley Steamer-Fire Dept. bldg. Maintenance 211.00, US Post Office-Postage/utility bills 175.00, Verizon-Cell Phones/Police/Maintenance 98.63, Watchguard-Police equipment 28.00, WDCCC-Membership dues 150.00, Wild West-Harvest Days 750.00 and Woodhouse Ford-Police 74.93.

**Total Bills: \$ 62,808.94**

**Total Payroll: \$ 23,016.16**

## **REPORTS**

Fire & Rescue-Nothing to report

Police-Officer Pacha reported that Union Pacific will be out in a day or two to fix the wires that run along their property South of North Front Street. They are a hazard to drivers, especially motorcyclists.

Chief Donahue said he was preparing a citation for the Dog House Saloon due to a noise violation.

Water/Sewer-Dwayne Grashorn answered questions related to their annual Operations Agreement, which includes an increase of 3.6% based on the current CPI. Motion by Benke, second by Harrie to approve the PeopleService Operation and Maintenance Agreement dated 2011 with an increase of 3.6% and annual increases October 1<sup>st</sup> of each year for five years, beginning October 2012, based on changes in the CPI. All in favor, the motion carried.

Attorney Bunger asked Dwayne to return a copy of the agreement once it had been signed by PeopleService and the Village would add their signatures.

Mike Goddard presented an application for a grant from the Department of Health & Human Services for security improvements to public water systems. The maximum grant amount is \$5000 and must be matched by 10% of village funds. Motion by Benke, second

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by Rotert to authorize PeopleService to apply for this grant on behalf of the Village of Waterloo. All in favor, the motion carried.

Mike Goddard also provided the monthly PeopleService Report. He said Dave Henke from JEO would be at the September 27, 2011 Meeting to discuss the "Water Main Undercrossing Project".

The Board asked Mike to provide the number of locates done in West Shores on a monthly basis and the Village will start billing the SID for them. Maintenance-Jamie Bednar provided a written report.

Planning Board-Benke asked Hert to find out when their last official meeting was, and also to ask Kelli Armstrong, the secretary, for a copy of their last meeting minutes.

Library-Report provided. Tom reminded everyone about the Dedication and Open House on Sunday, September 18<sup>th</sup> at 2 pm.

Clerks-Report provided. Hert said the Code Red grant did not get approved, but will be resubmitted with additional information. Motion by Benke, second by Harrie to approve Hert's attendance at the League's Pre-Conference Seminar on September 28, 2011 in Lincoln. All in favor, the motion carried.

Hert said that residents are asking if we could have a fall clean-up day, in addition to the spring. Benke said it wasn't in the budget and he thought once a year was enough. The Board approved the changes recommended several weeks ago by Village C.P.A. Ed Schroeder, including terminating "Remote Data Capture", opening a new checking account for debt services and closing the payroll account. Hert will send a letter to the bank letting them know.

#### **DISCUSSION/CONSIDERTION/ACTION**

Levee Project:

#### **EXECUTIVE SESSION**

Motion by Benke, second by Rotert to go into Executive Session at 8:07 pm to discuss legal issues. Upon roll call voting YES: Benke, Rotert, Harrie, Lee. Voting NO: None; motion carried. Chairman Benke restated that they were going into Executive Session to discuss legal issues. Motion by Benke, second by Rotert to return to Regular Session at 8:38 pm. All in favor, motion carried.

At this point, Attorney Lausterer, representing M.E. Collins Contracting Co. gave the Board, in good faith, a synopsis of Collins position on the contract extension and liquidated damages. He said that the Contract between the parties clearly states that delays beyond the Contractor's control require that the contract time be extended. In this case it was due to weather delays. After Attorney Lausterer completed his symopsis, Mike Collins provided a brief statement.

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Village Attorney Bunger responded that the Board has asked JEO to provide a Certification of Completion stating the project was completed on 9/9/2011. As this is the Village's position the Board will withhold \$3500 a day for the period of 8/19/2011 through 9/9/2011 from Pay Application #10 which was presented at this meeting. Bunger also stated that it is possible that the Board may choose to release a portion of the liquidated damages in the foreseeable future, once they have had time to assess the actual damages.

Motion by Benke, second by Harrie to approve Change Order No. 10 for a net decrease of \$58,897.25. All in favor, the motion carried.

Motion by Benke, second by Rotert to approve Terracon Invoice #T235679 for \$18,662.13 with a 50% cost share with the NRD. Upon roll call vote, voting YES: Lee, Harrie, Rotert and Benke. Voting NO: None. The motion carried.

Motion by Benke, second by Rotert to pay JEO Invoice #65825 for \$25,568.90 with a 50% cost share with the NRD. Upon roll call voting YES: Lee, Harrie, Benke and Rotert. Voting NO: None. The motion carried.

Motion by Benke, second by Harrie to approve ME Collins Pay Application #10, which was reduced to \$200,290.97 to reflect the \$59,500 (17 days x \$3500) in liquidated damages that will be discussed at the next meeting, with a 50% cost share with the NRD. Upon roll call voting YES: Lee, Rotert, Harrie and Benke. Voting NO: none, motion carried.

The Board again said they are unhappy with the condition of Blondo Street, and believe the Contractor is at fault for not using the right size of rock to begin with. They approved the placement of 1.5 inch gradation limestone rock, spreading at about 2 inch thickness over existing road surface.

### **Elkhorn River Bank Stabilization Project**

Information was provided but not discussed at this meeting.

### **Changes to Personnel Manual**

Tabled until a later date.

### **Resolution No. 9-13-11-02**

Chairperson Benke introduced, read and moved for adoption of Resolution No. 9-13-11-2, a resolution accepting the updated Douglas County Local Emergency Operations Plan (LEOP), with the changes recommended by Attorney Bunger. Rotert seconded the motion. Upon roll call voting YES: Harrie, Lee, Rotert and Benke. Voting NO: None. The motion carried. A true, correct and complete copy of said resolution is on file at the Village Office.

### **CORRESPONDENCE**

The following correspondence was reviewed:

- Invitation from JEO-Hospitality Room at League Conference
- Letter from Olsson & Associates-Engineering Services
- Free webinar

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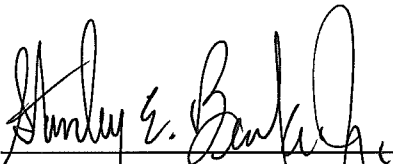
- Invitation to MAPA Meeting
- MAPA "What's Happening"
- Invitation to "Heartland Active Transportation Summit"
- Letter from Erickson/Sederstrom regarding 2<sup>nd</sup> Street Lawsuit: The Board agreed not to appeal the court ruling on the case.

**CHAIRMAN'S TOPICS**

**TRUSTEES' TOPICS**

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:18 p.m. The next Regular Meeting is scheduled for September 27, 2011.

  
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Stanley E. Benke Jr., Chairperson

  
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Nancy Heft, Village Clerk