

September 27, 2011

**VILLAGE OF WATERLOO  
REGULAR MEETING MINUTES  
September 27, 2011**

The Board of Trustees of the Village of Waterloo met for a Regular Meeting on September 27, 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:** Melissa Johnson, Clerk's Assistant  
Ken Bunger, Attorney

**OPEN MEETING**

Chairman Benke called the meeting to order at 7:01pm 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 but there were none.

**MOTIONS TO APPROVE**

Minutes from the Budget Hearing, Budget Hearing and Summary and the Regular Meeting all on September 13 were approved as presented.

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

Banyon Software-office software \$3,090.00, Barnes and Noble-library books \$352.98, Bluecross Blueshield-health insurance \$1,277.34, Center Trophy-Harvest Days \$49.76, Commercial Seeding Contractors-Levee Maintenance \$850.00, Dakota Supply Group-water meters \$896.74, Douglas County Treasurer-street stripping \$2,208.64, First State Bank-Redevelopment Tax Distribution \$33,030.71, Garage Door Services-Shop Maintenance \$400.00, JEO Consulting-3<sup>rd</sup> St Water Main-\$1,595.00, Martie Law-Harvest Days \$192.32, Lincoln National-Fire Dept. Life Insurance \$147.90, NMPP Energy-Meeting Dues \$40.00, OPPD-Electricity \$4,279.75, PeopleService-Contracted Maintenance \$10,115.00, Properties Unlimited-Redevelopment Tax

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Distribution \$1,881.41. Signex-Harvest Days \$32.50, Flora Smith-Utility account refund \$31.89, The Daily Record-publications \$17.90.

**Total Bills: \$ 60,489.84**

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

Kara Chase and Carrie Anderson attended the meeting to voice complaints about the way the chief of Police handled a complaint about Chase's "slow man" she placed in front of her home to try to get vehicles to slow down as they drive down their street. The board assured Chase and Anderson that they would discuss the complaint with Chief Donahue.

Chase and Anderson also inquired what the process would be to have speed bumps placed on Denton Street. The board will have JEO get cost estimates for removable speed bumps and will discuss it again at a later date.

Dave Henke with JEO presented a rough solution to the leak from the water main under 3<sup>rd</sup> Street. Henke will contact Union Pacific about their requirements before going further with the plans. He will provide a cost estimate for the next meeting.

Ryan Costanzo with Royal Lawns approached the board about maintenance on the new Levee. Costanzo offered some suggestions for areas that machinery cannot reach and let them know he would be interested in preparing a proposal to maintain the rest. The board suggested he walk the levee with the maintenance supervisor and determine which areas the Village has the equipment to handle. The board would be interested in seeing a proposal for the areas the maintenance department cannot mow. Costanzo also stated that there are some areas behind his and his neighbors' properties at the toe of the levee that has holes from uprooted trees and discarded concrete. The board stated the maintenance supervisor and JEO would look to determine if this was the responsibility of the Village or if it was left from the Levee Recertification project.

Chairman Benke introduced and read for the first time **ORDINANCE 716** entitled **AN ORDINANCE AMENDING ORDINANCE NO. 706 TO CHANGE THE MONTHLY METER CHARGES AND MONTHLY WATER RATES FOR THE USE OF THE WATER DISTRIBUTION SYSTEM AND THE PURCHASE OF WATER FROM THE VILLAGE OF WATERLOO, NEBRASKA, ON A JUST AND EQUITABLE BASIS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECT DATE OF THIS AMENDMENT.**

Chairman Benke introduced and read for the first time **ORDINANCE 717** entitled **AN ORDINANCE RELATING TO THE SALARY OF THE OFFICERS AND EMPLOYEES OF THE VILLAGE**

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**OF WATERLOO, DOUGLAS COUNTY, NEBRASKA; REPLACING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.**

Motion by Harrie, second by Rotert to approve centralized office purchasing process with single purchases over \$150 to be approved by a Trustee and \$500 and over to be approved by the board. All in favor, motion carried.

Mike Collins with ME Collins Contracting, and his attorney were present to discuss the Levee Recertification Project. Collins' attorney stated that their position was that the delays in the completion of the project were outside of the contractor's control or because of work done that was in the original contract. They do not believe that liquidated damages were appropriate at this point.

**EXECUTIVE SESSION**

Motion by Benke, second by Rotert to go into Executive Session at 8:06 pm to discuss issues with the contractor in regard to the completion of the levee project and to protect the interests of the parties involved. Upon roll call vote, voting YES: Benke, Rotert, Harrie, Lee. Voting NO: none, motion carried. Chairman Benke restated that they were going into Executive Session to discuss issues with the contractor in regard to the completion of the levee project and to protect the interests of the parties involved. Motion by Benke, second by Harrie to go out of Executive Session at 8:23 pm. All in favor, motion carried.

Attorney Bunger informed Collins that the Board will agree to 5 days liquidated damages for the delay in the completion of the levee project. He stated that the board believes it is a fair request to reduce the amount of funds retained but will wait to decide until after the Corps of Engineers walk through in the next few weeks. After conferring with his attorney, Collins agreed to 5 days and waiting until the Corps walk through.

Motion by Benke, second by Rotert to pay the difference of the 5 days liquidated damages and the 17 days previously withheld, \$42,000. Upon roll call vote, voting YES: Harrie, Benke, Lee, Rotert. Voting NO: none, motion carried.

Motion by Benke, second by Rotert to approve JEO invoice #65962 in the amount of \$14,371.00. Upon roll call vote, voting YES: Rotert, Lee, Harrie, Benke. Voting NO: none, motion carried.

**CORRESPONDENCE**

The following correspondence was reviewed:

- USACE Denial for Rehabilitation Assistance
- Black Hills Energy Community Link

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**TRUSTEES' TOPICS**

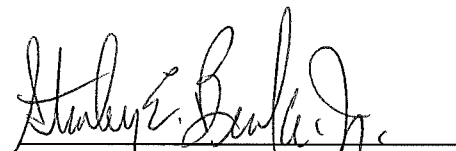
Trustee Lee raised the topic of the Village becoming a second class city because of the 2010 census data. Benke explained that changing from a Village to a Second Class City would change the form of government in Waterloo and that there was a volunteer effort by the Fire Department to circulate a petition to get have the topic of whether or not the Village should maintain its current form of government on the next election ballot.

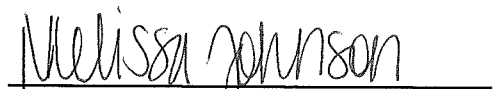
**EXECUTIVE SESSION**

Motion by Benke, second by Rotert to go into Executive Session at 8:54 pm to discuss personnel issues. Upon roll call vote, voting YES: Benke, Rotert, Harrie, Lee. Voting NO: none, motion carried. Chairman Benke restated that they were going into Executive Session to discuss personnel issues. Motion by Harrie, second by Rotert to go out of Executive Session at 9:28 pm. All in favor, motion carried.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:30 p.m. The next regular meeting is scheduled for October 11, 2011 at 7:00 p.m.

  
Stanley E. Benke Jr., Chairman

  
Melissa Johnson, Clerk's Assistant