

**ARNOLD COMMUNITY CENTER**  
**APRIL 13, 2009**

A regular meeting of the Chairperson and the Board of Trustees of the Village of Arnold, Nebraska was held in the Arnold Community Center on Monday, April 13, 2009 at the hour of 7:00 P.M. Notice of this meeting was given in advance by publication and by a posted notice with the agenda posted on the door to the meeting room at the Community Center. Notice of this meeting was given to the Board Members and all members present acknowledged receipt of said notice. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Chairperson Karin Moore called the meeting to order and Patricia Lamberty, the Village Clerk, recording the proceedings. On roll call the following were present: Connelley Barton, Ted Bubak, Glen Bowers, and Karin Moore. Absent: Aaron Olson. A quorum being present the following proceedings were had and done.

Also attending the meeting were Kristi Dvorak, Alan & Becky Dailey, Brad Forrester, Brian Gebhardt, Brandi Kreider, Brent Kulp, Tami Smith, Jeff Tidyman and Scott Winfield.

Chairperson Karin Moore informed the Public that a copy of the Open Meetings Act is on the easel and is available for public inspection.

The minutes of the previous regular meeting on March 9, 2009 and the special meetings on March 17, 2009 and March 30, 2009 were not read as the Clerk had previously furnished each member with a copy thereof. Moved by Bubak and seconded by Bowers that the minutes of the previous regular meeting on March 9, 2009 be approved as presented. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Moved by Bowers and seconded by Barton that the minutes of the special meeting on March 17, 2009 be

approved as presented. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Moved by Bowers and seconded by Bubak that the minutes of the special meeting on March 30, 2009 be approved as presented. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

The Clerk presented the claims paid in March:

<b>03/09 TOTAL AMOUNT OF CLAIMS APPROVED &amp; PAID</b>		
	\$42,100.50	
<b>03/17</b> Municipal Energy Agency of Nebraska	\$16,232.09	electricity
<b>03/24</b> Nebraska Dept of Revenue	3,228.55	Sales/Use Tax
<b>03/31</b> Payroll	9,104.91	
Aflac	255.09	Payroll Deductions
IRS	2,832.30	Payroll Taxes/Fed WH
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$73,753.44</b>	

The Treasurer's Report revealed there is \$105,001.85 in the General Fund; \$1,593.35 in the Community Center Building Fund; \$87,670.78 in the Street Fund; \$271,127.25 in the Electric Fund; \$32,410.12 in the Power Plant Fund; \$57,255.07 in the Water Fund; \$62,769.34 in the Sewer Fund; \$22,617.23 in the Sewer Debt Service Fund; \$33,007.63 in the Solid Waste Fund; \$9,428.06 in the Closure/Post Closure Care Account; \$53,623.58 in the Economic Development Fund; \$9,837.98 in the Trust & Agency Funds as of March 31, 2009. After discussion, moved by Barton and seconded by Bowers that the Treasurer's Report be approved as presented. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

The Clerk presented the following claims on file:

All Points Cooperative	\$ 1,759.75	propane
Arnold Insurance Agency	9,633.00	insurance - quarterly
Aupperle Plumbing & Heating	948.00	WW Plant Expense
B & D Office City	98.54	office supplies
Cal's Best Service	69.08	gas

Sean Carson	616.85	Police: Salary
Cash-Wa Distributing	245.68	CC: supplies
Central Nebraska Diesel	658.52	WW Gate
Custer Public Power District	26.05	electricity
Custer Public Power District	521.44	substation maintenance
Department of Energy	13,647.70	electricity
Dutton-Lainson Company	2,236.51	NE Upgrade
Electric Fixture & Supply	118.34	supplies/tools
Fastenal	167.56	street supplies
Harvey DeRan Foran	194.70	mileage (NeRWA Annual Conf)
Forrester's Dodge City	231.59	parts/labor (98 Dodge Ram)
Galls Inc	233.96	police expense
Great Plains Communications	447.44	telephone
Great Plains Communications	86.37	CC: telephone
Great Plains One-Call Service	12.12	one call fees
HSBC Business Solutions	345.68	hydraulic motor
		WW Plant Expense
Melody Jennings	325.53	CC: Salary
Kelly Supply Company	790.17	pool repairs
Kohler Trailer Sales, Inc.	775.10	parts/labor (sewer jet)
Kriz Davis Company	2,026.90	electric supplies
Kully Pipe & Steel Supply	126.55	pool repairs
Lakeside Equipment Corporation		
	100.00	WW Gate
Patricia Lamberty	45.10	mileage (Clerks Academy)
Lexington Area Solid Waste Agency		
	879.60	tipping fees
Logan County Coop Oil Assn	356.67	gas/diesel/tire repair
Mills Hardware	1,700.74	supplies
Municipal Supply, Inc.	2,074.24	supplies
NE Public Health Environmental Lab		
	16.00	testing (water)
Nebraska Department of Revenue		
	1,069.74	1 <sup>st</sup> QT State WH
Nebraska Municipal Power Pool		
	1,709.69	membership dues/utility
bills/Load Management Maint		
Nebraska U.C. Fund	118.00	1 <sup>st</sup> QT unemployment
New World Inn	222.00	lodging (Harv - NeRWA
Annual Conf)		
Olsen's Agricultural Laboratory, Inc.		
	51.50	testing (ww)
POWERPLAN	255.00	utility mounting frame
Pacific Life & Annuity Company		

	567.06	pension
Platte Valley Fire & Equipment		
	287.60	yearly inspections/maint
Sennett, Duncan & Jenkins	191.00	attorney fee
Terry's Tree Service	1,600.00	tree removal
The Arnold Sentinel	497.98	publishing fees
Titan Access Account	38.02	parts
VISA	349.82	meals/lodging (Scott-NMPP Energy Annual Meeting) office supplies Safety lights
VISA	125.38	meal/lodging (Patty - Clerks Academy)
Village of Arnold	3,832.73	utilities
Kim R Wagner-Sage	334.15	Salary
Wenquist Inc.	109.13	parts
William Whitlow	85.61	Salary
Scott A Winfield	45.10	mileage (NMPP Energy Annual Meeting)
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Total Amount of Claims	\$53,004.99	

After discussion, moved by Barton and seconded by Bowers that the claims be approved and paid. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Jeff Tidyman, Civil Engineer, attended the meeting to introduce himself to the Board and to offer engineering services.

Tami Smith, Pool Manager, informed the Board that the lifeguards for the 2009 season are: Kelsey Hauser, Sarah Magill, Jessica Preston, Rachelle Preston, and Natasha Sage. Tami Smith recommended that the lifeguards be paid \$6.50 per hour. Moved by Bowers and seconded by Barton that the lifeguards be paid \$6.50 per hour. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Tami Smith informed the Board that Vanessa Harvey declined the Assistant Pool Manager position. Tami Smith

stated that Kelsey Hauser and Jessica Eastburn will be the Assistant Pool Managers. The Assistant Pool Managers will be paid \$9.00 per hour. Ted Bubak inquired what wage the Assistant Pool Managers will be paid if they are life guarding. Tami Smith stated that the hours for the Assistant Pool Managers will be kept separate and will be paid \$6.50 to lifeguard.

The Board discussed the current swimming pool rates. Moved by Bubak and seconded by Bowers to raise the daily session fee from \$1.50 to \$2.00 per person and that swimming lessons be increased to \$15.00 per person. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Kristi Dvorak attended the meeting regarding the Arnold Economic Development Corporation (AEDC). AEDC's update for April:

#### **LB840 Projects**

- Web activity continues to increase. We received 7 inquiries from the "Contact Us" form last month and have had requests from businesses not listed in the Business Directory to add their listing. Google advertising was established on March 18 and we are beginning to receive some traffic from it.
- The standard operating procedures is complete.
- The fixed expense list is complete, but after discussion at the special board meeting on March 30, it is being revised to add conferences/travel expenses and is being presented for approval.
- Rick Beshaler will be replacing Joe Bob Atkins on the loan committee. The loan application, the outline describing the loan process, the points system, loan terms, guidelines, promissory note, privacy statement, approval/denial letters, etc., are almost complete. The next step is to have Larry Moran review them and the village attorney.
- Kristi is working to reschedule the New Residents Program research presentation that was scheduled for March 24 but postponed due to the weather.

- We are finalizing timelines and developing "toolbox" items for our new communications plan so we may begin implementation of the plan.
- One item we are beginning this month from the communications plan is to research Nebraska companies that would be a possible fit to expand/relocate/start-up in Arnold and begin communications with them.
- We're developing a money plan and need to visit with local businesses to determine what their needs and wants are before the plan can be finalized. We are currently developing our business needs assessment questionnaire.

### **Grant Projects**

- AEDC moved into their new office on April 1. There are still a few projects that need to be finished, but the majority of the office is complete. The state architect and the USDA will be conducting the post-inspection on April 14. Several items are still needed in the office, and a list has been generated and is being presented to the village for consideration.
- AEDC applied for an RBEG revolving loan fund grant, which was due March 31. Many hours of hard work was put into this. The USDA has acknowledged receipt of our application and has found us eligible to apply. They are currently reviewing our materials. If we receive this grant, a program will be established to loan money to local businesses for expansion, start-up, upgrades/repairs to store fronts, and other needs that relate to job creation/retention.

### **501(c)(3) Projects**

- We continue to develop our goals for the betterment of Arnold.
- We have reached out to some businesses in neighboring towns to promote the spec house.

After discussion, moved by Bowers and seconded by Barton that the following claims be paid from the Economic Development Fund:

ALLTEL	52.42	cell phone
Agri Computer Sales	25.98	office supplies
Lana Cool	115.00	reimbursement (note cards/envelopes)
Great Plains Communications	88.21	telephone

Reeds Food Center	38.69 cleaning supplies
Village of Arnold	218.88 utilities
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$ 539.18</b>

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Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

After discussion, moved by Bowers and seconded by Bubak to add conferences and travel expenses to the fixed expense list. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried. The fixed expense list gives the AEDC the authority to purchase the items without presenting each item to the Village Board each time these items are needed.

Kristi Dvorak presented a list of items that are needed for the AEDC office. After discussion, moved by Bubak and seconded by Bowers that the AEDC be authorized to purchase the items on the list. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Becky Dailey met with the Board regarding the Sandhills Open Road Challenge (SORC). Becky Dailey requested permission to close State Highway 92 and State Highway 40 for a parade on August 7, 2009. After discussion, moved by Bubak and seconded by Barton that the parade route be approved if the Nebraska Department of Roads grants permission to close the State Highways. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

After discussion, moved by Barton and seconded by Bowers that permission be granted to SORC to block off South Walnut Street and the side streets for the car show on Friday, August 7, 2009. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion

carried.

Becky Dailey requested permission to block off the street between the Medical Clinic and the Bowling Alley for the "Burn Out" Contest on August 7, 2009. Moved by Bubak and seconded by Barton that permission be granted to SORC to block off North Broadway Street (between the Medical Clinic and the Bowling Alley) for the "Burn Out" Contest. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Becky Dailey requested permission to have alcohol at the City Park on August 6, 2009 for a SORC event. After discussion, moved by Barton and seconded by Bowers to allow for the consumption of alcohol by persons of legal age at the City Park on August 6, 2009 for a SORC event. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Becky Dailey requested permission to block off a portion of South Broadway Street for a SORC dance on Saturday, August 8, 2009. After discussion, moved by Bowers and seconded by Bubak that permission be granted. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

After discussion, moved by Bubak and seconded by Bowers to approve Lee Eastburn's, DBA Jim's Bar, Application for a Special Designated License to sell alcohol from 5:00 P.M. to 1:00 A.M. for the SORC dance on South Broadway Street; and to approve the Community Center as the alternate location of the SORC dance on August 8, 2009. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Consideration of the Old Mill Park Project was the next item on the agenda. Karin Moore stated that Aaron

Olson was unable to attend the meeting but Aaron was wondering if they would consider moving the Sand Volleyball to the south side of the City Park. Discussion was held on the idea. Brent Kulp stated that he thought that Joe Bob Atkins, Dan Blowers, Justin Conner and Shane Cool are wanting to work with the existing location. Brent Kulp informed the Board that the group is wanting to get started on the project as soon as possible.

Sean Carson, Police Chief, attended the meeting to review and discuss the monthly police report.

Consideration of the bids for the Village Hay at the Arnold State Park was the next item on the agenda. The following bid was submitted: Frank Hauser \$300.00. Moved by Bubak and seconded by Bowers to accept Frank Hauser's bid of \$300.00. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Consideration of the bids for the Sewer Cable Machine with attachments was the next item on the agenda. The following bid was submitted: Gibson & Son \$512.00. Moved by Bowers and seconded by Bubak to accept Gibson & Son's bid of \$512.00. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Board Member Ted Bubak introduced Ordinance No. 391 entitled:

**ORDINANCE NO. 391**  
(See Ordinance Book Page 211)

**AN ORDINANCE AMENDING SECTION II OF ORDINANCE NO. 385 (ORDINANCE SETTING THE SALARIES OF EMPLOYEES, ELECTED AND APPOINTED OFFICIALS OF THE VILLAGE OF ARNOLD, CUSTER COUNTY, NEBRASKA; SETTING FORTH THE AMOUNTS TO BE PAID TO**

**EACH EMPLOYEE AND OFFICIAL AND THE METHOD OF PAYMENT THEREOF;) AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.**

and moved that the statutory rule requiring reading on three different days be suspended. Board Member Glen Bowers seconded the motion to suspend the rules and upon roll call vote on the motion the following Board Members voted AYE: Barton, Bowers, Bubak, Moore. The following voted NAY: none. Absent: Olson. The motion to suspend the rules was adopted by three-fourths of the Board and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was read by title and thereafter Board Member Glen Bowers moved for final passage of the ordinance, which motion was seconded by Board Member Connelley Barton. The Chairperson then stated the question: "Shall Ordinance No. 391 be passed and adopted?" Upon roll call vote, the following Board Members voted AYE: Barton, Bowers, Bubak, Moore. The following voted NAY: none. Absent: Olson. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Chairperson declared the ordinance adopted and the Chairperson, in the presence of the Board, signed and approved the ordinance. The Clerk attested the passage and approval of the same and affixed her signature thereto and the seal of the Village thereto.

After discussion, moved by Bowers and seconded by Bubak to purchase a 2001 Dodge 2500 Utility Pickup from the Nebraska Department of Correctional Services for \$5,400.00 contingent upon Scott Winfield's approval. Roll call vote: Aye: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

After discussion, moved by Barton and seconded by Bowers that the following Resolution be adopted:

**RESOLUTION 2009-6**

**BE IT RESOLVED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF ARNOLD, NEBRASKA:**

**WHEREAS**, the Village of Arnold is a supplier of utilities to customers in Arnold; and

**WHEREAS**, Public Law 108-159 went into effect on December 4, 2003 and amends the Fair Credit Reporting Act, and

**WHEREAS**, such amendment, known as the FACT Act requires creditors, including utility companies, to comply with the Act no later than May 1, 2009; and

**WHEREAS**, compliance with the Act requires a creditor to create and implement a written Identity Theft Prevention Program;

**NOW THEREFORE, BE IT RESOLVED** by the Chairperson and the Board of Trustees of Arnold Nebraska hereby adopts the "Village of Arnold Theft Identity Prevention Program" which is attached to this Resolution as Appendix A.

**BE IT FURTHER RESOLVED** by the Chairperson and the Board of Trustees that said program is appropriate to the size and complexity of Arnold and the scope of its activities; and that the Program is reasonably calculated to identify and detect relevant Red Flags indicating a potential risk of identity theft, and includes appropriate responses to such Red Flags that will mitigate and prevent identity theft.

**BE IT FURTHER RESOLVED** by the Chairperson and the Board of Trustees of Arnold, Nebraska that the Village Superintendent design and implement the Program and shall report annually to the Village Board as in compliance with 16 CFR §681.2 as required by the Act.

**BE IT FURTHER RESOLVED** by the Chairperson and the Board of Trustees that the Village Superintendent will review the program from time to time in order to update policies as needed, in order to reflect changes in risk to the Village's utility customers.

The Chairperson put the Resolution to a vote. Those voting FOR PASSAGE: Barton, Bowers, Bubak, Moore. Those voting AGAINST PASSAGE: none. Absent: Olson. Motion carried.

After discussion, moved by Barton and seconded by Bubak that the following Resolution be adopted:

**RESOLUTION 2009-7**

**RESOLUTION DIRECTING THE SALE OF THE VILLAGE OWNED JOHN DEERE 314 LAWN MOWER AND MISCELLANEOUS ITEMS AT A**

**PUBLIC AUCTION.** The Auction will be held at the Community Center, 205 South Carroll, Arnold, Nebraska on Saturday, May 2, 2009 at 10:00 A.M. Notice of this sale will be published in the Arnold Sentinel and a copy of this Resolution will be posted in three prominent places within the Village. A listing of all items will be available prior to the Public Auction.

The Chairperson put the Resolution to a vote. Those voting FOR PASSAGE: Barton, Bowers, Bubak, Moore. Those voting AGAINST PASSAGE: none. Absent: Olson. Motion carried.

After discussion, moved by Bowers and seconded by Barton that the Addendum to the Internet Banking Agreement be approved and that Patricia Lamberty, Village Clerk/Treasurer, be authorized to sign said agreement. Roll call vote: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

After discussion, moved by Bowers and seconded by Barton to apply for a credit card through Pinnacle Bank for Cory Wilkie and to set the limit at \$1000.00. Roll call vote: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Consideration of the Lease Agreement regarding the Arnold State Recreation Area with the Nebraska Game & Parks Commission was the next item on the agenda. Scott Winfield, informed the Board that Jim Duncan, Village Attorney reviewed the Lease Agreement and recommended a few minor changes. Scott Winfield informed the Board that the lease is for one year and at the next legislative session Deb Fischer, Senator, will introduce a bill that would allow the Game & Parks to give the Arnold State Park to the Village of Arnold. After discussion, moved by Bowers and seconded by Barton that the Lease Agreement with Nebraska Game & Parks Commission be approved provided the

recommended changes are incorporated into said Agreement and that Chairperson Karin Moore be authorized to sign the revised Lease Agreement. Roll call vote: Barton, Bowers, Bubak, Moore. Nay: none. Absent: Olson. Motion carried.

Scott Winfield, Village Superintendent, informed the Board that the Village received \$6,649.12 from EMC Insurance. This is a safety group dividend.

Discussion was held on peddlers and solicitors. The matter will be on the agenda for the meeting in May.

Sean Carson, Police Chief, inquired as to passing an Ordinance that would allow four wheelers in the city limits. The matter will be discussed further at the May meeting.

There being nothing further to come before the Board at this time, moved by Barton and seconded by Bowers to adjourn. Meeting adjourned at 8:36 P.M.

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Karin B Moore  
Chairperson of the Board

ATTEST:

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Patricia Lamberty  
Village Clerk