

Village of Cortland
November 13, 2024, Minutes

The meeting of the Village of Cortland, Nebraska was held on the 13th day of November 2024 at 100 S. Sherman Ave at 7:08 p.m.

Present at the meeting: Kohout, Goforth, German, Douglass, Birkett, Clerk Moormeier, Utility Superintendent Briggs and members of the public.

Motion by Douglass and seconded by Birkett to receive and place on file all notices and material having any bearing on the meeting. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Motion by German and seconded by Goforth to approve the minutes of the October 9, 2024 regular Board meeting. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Motion by German and seconded by Birkett to approve the Treasurer's report. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

The following bills were presented for approval. Barco Municipal Products, Inc. \$81.91, Black Hills Energy \$210.10, BOK Financial \$16,305.00, Christopher Briggs \$23.09, Commonwealth Electric Company \$1,150.23, Donald R Prentice \$129.00, E-Z Stop \$439.18, Five Rule, LLC \$3,000.00, Landmark Implement \$109.80, Lincoln Winwater Works \$1,807.84, Lovell Excavating \$2,500.00, Menards \$366.94, Michelle German \$306.00, Municipal Supply, Inc. \$349.59, NE Dept of Revenue \$1,108.08, Nebraska Landscape Solutions \$306.80, NE Public Health Environmental Lab \$64.00, NPPD \$2,375.62, NE Rural Water Assoc \$445.00, One Call Concepts, Inc. \$12.30, Salaries \$7,300.75, Sapp Brothers \$453.46, Solheim Law Firm \$1,136.16, Summit Fire Protection \$550.25, U.S. Bank \$976.05, Verla Busboom \$40.00, Voice News \$425.70, Waste Connections \$5,309.10, Westlake Hardware \$44.97. Motion by Birkett and seconded by Douglass to pay the bills. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Motion by Birkett and seconded by Goforth to open Public Hearing regarding Zoning Regulation Text Amendments to C2 Highway Commercial District at 7:13 p.m. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

P&Z Committee Chairperson Barb Tegley had a color-coded sheet indicating the 7 items that the Village Board asked the P&Z Committee to address. The Board will have the option to accept the P&Z recommendations, change the recommendations, or reject the recommendations at this meeting. Updates/changes will be in ***bold and italicized***.

#1 Updated 5.87 STORAGE AND SHIPPING CONTAINER PLACEMENT AND USE REQUIREMENTS to read: 1) It shall be unlawful to place, use, allow, or maintain shipping containers, ***trailers, or any vehicles*** within the C-2 Highway Commercial District ***for storage purposes***. Kohout questioned a traveling boutique trailer which has a peddler's permit. This would not be considered for storage purposes because it does have a permit.

Also added to Article 3.3 General Definitions:

12) TRAILER: A vehicle without its own motor power that is designed to be towed or hauled by a motor vehicle. Trailers are used for transporting or storing goods, materials, or vehicles and may include utility trailers, boat trailers, or livestock trailers.

13) VEHICLE: generally defined as any device or machine that is designed or used for transporting people or goods from one place to another. This includes motorized and non-motorized means of transportation.

#2 Asked for 50' setbacks next to AG for C2. The P&Z Committee still recommended to stick with a 20' buffer and does not recommend a 50 foot setback. The chart under 5.77 HEIGHT AND AREAS

REGULATIONS: *Minimum buffer yard next to agricultural use *** 20'* 1. General Requirements: ****An alley can be used as a buffer yard but cannot be used to satisfy setback requirements.*

#3 & 4 Allow for a live screening between C2 and AG. P&Z does not recommend live screens adjacent to AG. The P&Z Committee came up with two different options for 5.75 SCREENING REQUIREMENTS:

FIRST ONE:

1. Where a site adjoins or is located across an alley from the Residential District, a solid wall or *solid fence* or compact evergreen hedge six (6) feet in height shall be required on the property line common to such districts, except in a required front yard.
2. Where a site adjoins or is located across an alley from the Agricultural District, a solid wall or *solid fence* six (6) feet in height shall be required on the property line common to such districts, except in a required front yard.
3. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or *solid fence*. (we are not allowing for a chain link fence)

OR SECOND ONE:

1. Where a site adjoins or is located across an alley from the Residential or Agricultural District, a solid wall or solid fence or compact evergreen hedge six (6) feet in height shall be required on the property line common to such districts, except in a required front yard. If compact evergreen hedge to be planted, it must be planted at a minimum of half the diameter of full growth from the property line. The C-2 property owner is responsible for the health of the living screening.

2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or *solid fence*. (we are not allowing for a chain link fence)

Added to Article 3.3 General Definitions:

8) FENCE, OPEN: a fence, including gate, which has, for each one foot (1') wide segment extending over the entire length and height of fence, fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence.

9) FENCE, SOLID: any fence which does not qualify as an open fence and provides complete or nearly complete privacy and security by preventing visibility through the structure. Solid fences are typically constructed using heavy duty materials such as wood, vinyl, metal, or composite panels, and they have no gaps between the slats or boards.

#5 Better way to redefine Commercial Construction for traffic and stormwater planning (aka new land development/when a plat is required) Ron Preston brought up that the property is not under the jurisdiction of the Village of Cortland unless it is annexed into the Village making a traffic study virtually useless. Discussion to move traffic planning and stormwater planning be required under a Special Use permit during the building permit process.

#6 Commercial Condos – P&Z feels strongly it should stay as a Special Use Permit

#7 Height of Lights in C2 under 8.92 P&Z recommend changing 30 feet to **20 feet** as it would keep the roof glare down.

Motion by Douglass and seconded by Birkett to close the public hearing for the text amendments to C2 Zoning at 7:47 p.m. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Discussion regarding which option to accept for 5.75 Screening Requirements. The first option was approved with the addition of the following: **4. Screening requirement must be met with the construction of the building.** It was also agreed to remove the 5.78 Stormwater Planning Required and 5.79 Traffic Planning required and move that to building permit special use requirements.

Motion by Goforth and seconded by German to accept the Text Amendments as reviewed and changes decided at this meeting for the C2 Highway Commercial District Zoning. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Motion by Goforth and seconded by Birkett to open the Public Hearing at 8:04 p.m. for Amendment of the Future Land Use Map to include 11 6 6 SEC 11-6-6 S 1/2 SE EX RTY & 5.12 AC RD & EX TR CONTAINING 11.82 AC TO VILLAGE OF CORTLAND & EX 19.63 AC TR 40.40 AC owned by PK MANAGEMENT LLC so the property can be changed to C-2 Highway Commercial land of the Village of Cortland. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

As there were no comments from the public motion by Birkett and seconded by Goforth to close the public hearing at 8:05 p.m. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Motion by Birkett and seconded by German to adopt the Amendment of the Future Land use Map to include 11 6 6 SEC 11-6-6 S 1/2 SE EX RTY & 5.12 AC RD & EX TR CONTAINING 11.82 AC TO VILLAGE OF CORTLAND & EX 19.63 AC TR 40.40 AC owned by PK MANAGEMENT LLC so the property can be changed to C-2 Highway Commercial land of the Village of Cortland. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

No building permits presented. No update on the Crosswalk on Highway 77 and 4th Street.

Cristi Grusing came forward with a problem regarding the dirt work done at 725 Washington. A culvert was put in her yard which is making it difficult to come out of the driveway. There is a ditch in front of the alley, water doesn't drain down, dirt piled and left and there was no communication regarding the project. Nate Murray also presented the ongoing discussion since 2019 about the water that stands at his residence at 455 W 7th Street and has gotten under his concrete driveway. His driveway was replaced in June of 2020. He reviewed several communications that he had with the Village over the last 5 years. The Engineers have been out a couple of times to look at the area. They both feel the problem could have been solved with a drain that came across the road at 7th & Washington. Birkett will have Garrett from Midwest Dirt come look at the problems and make a plan that will drain the water better in that area.

Discussion regarding the bids for new engineers from Miller & Associates and JEO Consulting. Motion by German and seconded by Goforth to approve Miller and Associates for Village Engineers and Street Superintendent. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried. Clerk was asked to reach out to both firms.

Kohout read ORDINANCE #2024-08 AN ORDINANCE OF THE VILLAGE OF CORTLAND, GAGE COUNTY, NEBRASKA, TO AMEND MINIMUM RATES FOR TRASH SERVICES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Douglass and seconded by Birkett to suspend the three readings of Ordinance #2024-08. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried. Motion by Douglass and seconded by Birkett to approve the implementation of the ORDINANCE #2024-08 to take effect immediately. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Sewer Rate was done by Randy from Nebraska Rural Water Association. The current rate of \$12.00 was established in April 2014. In Randy's review of the rates across the state of Villages within the 300-600 population the Village of Cortland was one of two that had the lowest rate in Nebraska. With the lowest rate of \$12.00 by the Village of Cortland and the Village of Long Pine and the highest rate of \$51.61 in the Village of Malcolm. Randy suggested a rate of \$20.00 per month in order to maintain the sewer and lagoons. Motion by Birkett and seconded by Douglass to draw up an Ordinance to be presented at the December meeting to increase the sewer rates to \$20.00 a month beginning on January 1, 2025. Roll Call Yes: German, Goforth, Kohout,

Birkett, Douglass No: None Motion carried. The clerk will have the Ordinance available at the December meeting.

No written complaints.

No update on the Barta property. A letter was sent to property owners of 300 W 4th to appear at the meeting regarding the sunflowers and rubble in the backyard and the business that is not registered with the State of Nebraska. Property owners did not appear at the meeting. The attorney will be asked to proceed with necessary steps to take care of the property compliance.

Moormeier reported that the museum did not receive the grant from the Thomas Sisters Foundation for the air conditioning and furnace. The museum will attempt to get funding from another grant for just the furnace as this needs to be done this winter.

Douglass reported that CIA received a \$2500 grant from NPPD for lettering on the Community Center. Kohout and Goforth will look at the letters and decide the color, possibly black or charcoal gray. Suggested that the Fire Department ask for a grant from NPPD for the lettering on the Fire Hall. Birkett is also working on ADA compliance bids. Christmas tree lighting will be December 1st with the Opry House playing, cookies, cocoa, and decorations for kids to make to put on the tree. The event will start at 6:30 at the Community Center. December 7th Santa will be coming to Cortland from 9-11 a.m. at the Community Center. December 18th the Christmas Lighting Contest judging will take place from 6:00-8:00 so everyone should be sure to have their lights on at their homes to be included.

Kohout reported that the left-over candy and pop from the ball park was used at the Trunk or Treat on October 26th. Anything else left will be donated to the Fire Department. They have been looking at lights for the small field. This would allow for more tournaments and games. The ball park has some monies to use but asked the Village to think about possibly paying for part of the installation.

Correspondence – Attorney Solheim sent an email that the renewal in December would be a minimum of 6 billable hours at \$175 an hour which is \$25.00 more an hour than we are paying now. Anything over 6 hours would be billed at \$175 an hour. We average 6.3 hours a month. Motion by Goforth and seconded by Douglass to approve the rate increase and ask Solheim to renew our contract in December. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Maintenance report: Briggs ordered a new street sign for S. New Hampshire. New smoke detectors were added to the Community Center along with a CO detector. Community Center requires 8 fire extinguishers however several are in locked rooms. Another extinguisher will be installed in the gym and one by the bathrooms. Briggs also bought signs for the location of the extinguishers. There is a leak in the attic above the CIA room coming down from the air conditioning pipes. Briggs is to let Noakes know they need to come and caulk. There is also a leak that needs to be fixed at the maintenance shop. Lights in the tornado shelter are not working properly, will have those replaced/repared. Ice melt and fertilizer has been purchased and delivered. Two piles of rock have been purchased to have on hand. When the fire hydrant was replaced a sprinkler head was broken, that is the owner's responsibility as the sprinkler was in the Village easement. Soda machines have been removed as they never worked well. Foundation of Community Center needs caulking; Briggs will get caulking and repair. Water meter antennas are starting to fail and will continue to need to be replaced. Briggs has ordered a few to have on hand. Continue to work on getting lead survey filled out, still have approximately 70 houses that were pre 1985. Briggs signed up for the Nebraska Rural Water Conference in March in Kearney. S. Vermont and New Hampshire culvert needs cleaning out with jetter. Birkett will show Briggs how to use the jetter. Culvert on 2nd street Campbell agreed to put the concrete in, Clerk asked to look for the bid, Birkett to contact Campbell.

Motion by Douglass and seconded by Birkett to approve the 25% Highway allocation match of \$1869.00 Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

Motion by Birkett and seconded by Douglass to go into closed session at 9:41 p.m. for Briggs six month evaluation. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried. Motion by Goforth and seconded by German to come out of closed session at 9:45 p.m. The board indicated Briggs is doing an excellent job communicating and has gotten two pay increases when he received his licensing. Briggs asked about when he should ask the board about items that he purchases. The board indicated anything over \$500 should be reviewed. Motion by Douglass and seconded by Goforth to retain Briggs as a full-time employee with benefits as he has satisfactorily completed his six month probationary period. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried. Regular evaluation will be in July of each year as per the employee handbook for yearly increases that begin in the new fiscal year.

Motion by Douglass and seconded by Goforth to adjourn the meeting at 9:55 p.m. Roll Call Yes: German, Goforth, Kohout, Birkett, Douglass No: None Motion carried.

I, Donelle Moormeier, Village Clerk do hereby certify that the forgoing is a true and correct copy of the proceedings of the Village Board of Cortland, NE to the best of my knowledge.