



NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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February 13, 2019

Thomas Luettel, Chairman
Village of Gresham
310 Elm St
Gresham, NE 68367

Dear Mr. Luettel:

As you know, the Nebraska Auditor of Public Accounts (APA) has received concerns regarding potential conflict of interest issues, as well as issues related to year-end bonus payments, within the Village of Gresham (Village). Responding thereto, the APA began limited preliminary planning work to determine if a full financial audit or attestation would be warranted. In doing so, the APA requested certain information from the Village. Based upon the outcome of this preliminary planning work, including an analysis of the information received, the APA has determined it to be unnecessary for this office to perform a separate financial audit or attestation of the Village at this time.

Nevertheless, during the course of the preliminary planning work, we noted certain internal control or compliance issues, or other operational matters within the Village, that are presented below. The following information relating thereto is intended to improve internal controls or result in other operational efficiencies.

Background

The Village is located in York County, Nebraska. The Village Board (Board) is the governmental body responsible for exercising financial accountability and control over activities relevant to the operations of the Village. In addition to resident utility fees, the Board receives funding from State and local government sources and must comply with the requirements of these funding sources. Board members are elected by the public and have broad decision-making authority, including the power to levy taxes and to designate municipal management, the ability to exert significant influence over all Village operations, and primary responsibility for related fiscal matters.

The following is a list of Board members as of December 2018:

Thomas Luettel	Current Chairman
Ed Murray	Current Board Member
Pamela Handy	Current Board Member
Amanda O'Donnell	Current Board Member
Kayla Kilgore	Current Board Member
Joy Menke	Current Board Member

Comments and Recommendations

1. Possible Conflicts of Interest

While reviewing the Board’s meeting minutes for December 4, 2018, the APA identified potential conflict of interest concerns regarding certain actions of members Pamela Handy and Amanda O’Donnell. The APA has included a copy of those meeting minutes as **Attachment A**.

According to the minutes, Ms. Handy failed to abstain from voting on the following: 1) approval to pay wages to herself; 2) her own appointment as the Village Clerk; and 3) subsequent approval of a salary increase for the Village Clerk, while she held that position.

Those same meeting minutes reveal also that Ms. O’Donnell failed to abstain from voting on these issues: 1) the appointment of her spouse, Jim O’Donnell, as the Village Maintenance Superintendent; 2) approval of a year-end bonus payment to Mr. O’Donnell; and 3) subsequent approval of a salary increase for the Village Maintenance Superintendent, while Mr. O’Donnell held that position.

The following table provides a timeline of Village proceedings pertaining to the above-referenced conflict of interest issues, as reflected in the December 4, 2018, Board meeting minutes:

Description
Excerpt from Board minutes: <i>Chairperson Luettel called the meeting to order at 7:00 p.m. Answering roll call were Trustees Handy, Menke, and Luettel, Absent Murray</i>
Excerpt from Board minutes: <i>Luettel motioned to approve and accept the Treasurer’s report for October 2018; Handy seconded. Roll call vote: all ayes, absent Murray. Motioned carried. The following claims were presented: . . . Wage: . . . P Handy - \$903.34 . . . After discussion, Handy motioned to accept and pay the claims; Menke seconded. Roll call vote: all ayes, Absent Murray. Motion carried.</i>
Excerpt from Board minutes: <i>The new Board reconvened with motion by Menke, seconded by Luettel. Roll call vote: all ayes; motion carried. The Clerk administered the Oath of Office to new Board members Kayla Kilgore and Amanda O’Donnell.</i>
Excerpt from Board minutes: <i>Luettel motioned to appoint Pamela Handy as Village Clerk/Treasurer, Menke seconded. Roll call vote: all ayes. Motion carried.</i>
Excerpt from Board minutes: <i>Luettel motioned to appoint Jim O’Donnell as Village Maintenance Superintendent, Menke seconded. Roll call vote: all ayes. Motion carried.</i>
Excerpt from Board minutes: <i>Menke motioned to approve year-end bonuses of \$100.00 each to Eschenweck and J O’Donnell to be paid on January claims; Luettel seconded. Roll call vote: all ayes. Motion carried.</i>
Excerpt from Board minutes: <i>Luettel motioned to approve a [sic] adjustment of \$15.00 per hour for the Clerk position effective January 1, 2019; Menke seconded. Roll call vote; all ayes. Motion carried.</i>
Excerpt from Board minutes: <i>Luettel motioned to approve a salary increase adjustment of \$.50 per hour for the Maintenance Supervisor position effective January 1, 2019. Kilgore seconded. Roll call vote; all ayes. Motion carried.</i>

The apparent failure of Board members Pamela Handy and Amanda O’Donnell to abstain from voting on the motions mentioned above gives rise to concerns regarding possible violations of the Nebraska Political Accountability and Disclosure Act (Act), which is set out at Neb. Rev. Stat. §§ 49-1401 to 49-14,142 (Reissue 2010, Cum. Supp. 2016, Supp. 2017).

To start, Neb. Rev. Stat. § 49-14,101.01(1) (Reissue 2010) states the following:

A public official or public employee shall not use or authorize the use of his or her public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

The penalty for violating the above-cited conflict of interest statute is set out in subsection (7) thereof, as follows:

[A]ny person violating this section shall be guilty of a Class III misdemeanor, except that no vote by any member of the Legislature shall subject such member to any criminal sanction under this section.

Furthermore, Neb. Rev. Stat. § 49-1499.03(2) (Reissue 2010) states the following:

(a) Any person holding an elective office of a city or village not designated in section 49-1493 and any person holding an elective office of a school district who would be required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

(i) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict;

(ii) Deliver a copy of the statement to the person in charge of keeping records for the city, village, or school district who shall enter the statement onto the public records of the city, village, or school district; and

(iii) Abstain from participating or voting on the matter in which the person holding elective office has a conflict of interest.

(b) The person holding elective office may apply to the commission for an opinion as to whether the person has a conflict of interest.

(Emphasis added.) According to the minutes for the Board's December 4, 2018, meeting, none of the members present, including Pamela Handy and Amanda O'Donnell, abstained from voting on the motions at issue. This suggests that Board members Pamela Handy and Amanda O'Donnell acted in apparent contravention of the above sections of the Act – the former voting to approve her own appointment and salary increase as Village Clerk, and the latter voting to approve the hiring of, as well as payments to, her husband as Village Maintenance Superintendent.

It should be noted also that § 49-1499.03(a)(i) & (ii) require an elected official of a village to prepare and file with that municipality's record keeper a "written statement describing the matter requiring action or decision and the nature of the potential conflict." Neither Pamela Handy nor Amanda O'Donnell appear to have complied with that statutory directive.

On January 4, 2019, the APA sent an email message to the Board Chair and Village Clerk, asking about the Board members who apparently failed to abstain from voting. Acknowledging the validity of the APA's concerns, the Board attempted corrective action; however, rather than mitigating the prior mistake, the method employed may have exacerbated it.

Instead of simply taking a new vote that followed proper procedures, the Board chose instead to amend the original December 4, 2018, meeting minutes to reflect what should have occurred – as opposed to what actually took place – at that time. This is problematic because prior meeting minutes should not be altered except to correct a defect in their accuracy. In this case, the original meeting minutes provided an accurate record of the improper action that took place. Thus, while remedial action was needed to correct the earlier flawed procedure, the meeting minutes themselves provided a factual representation of the events that transpired and, therefore, should not have been revised.

The APA has included a copy of those meeting minutes as **Attachment B**.

The minutes for the January 8, 2019, meeting of the Board contain the following:

Kilgore motioned to amend the minutes of the December 4, 2018 meeting, changing the motion record to reflect corrections made in response to the complaint received from the Auditor of Public Accounts. Menke seconded. Roll call vote: all ayes. Motion carried.

Kilgore motioned to amend the minutes of the November 6/13, 2018 meeting, changing the motion record to reflect corrections made in response to the complaint received from the Auditor of Public Accounts. Murray seconded. Roll call vote: all ayes. Motion carried.

The APA has included a copy of those meeting minutes as **Attachment C**.

Instead of changing the December 4, 2018, meeting minutes in a way that made them an inaccurate representation of what actually transpired on that date, the Board should have scheduled a new vote for the January 8, 2019, meeting – following the proper process and recording in the minutes for that meeting what took place, along with a brief explanation of why the new vote was necessary.

Neb. Rev. Stat. § 84-1413 (Cum. Supp. 2016), which is part of the Open Meeting Act, as found at Neb. Rev. Stat. § 84-1407 (Reissue 2014) et seq., provides, in relevant part, the following:

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. . . .

When it comes to amending formal minutes from a prior Board meeting, the Nebraska Supreme Court has stated the following:

As a general rule a public body may, at a subsequent meeting, if no intervening rights of third persons have arisen, order the minutes or record of its own proceedings at a previous meeting to be corrected according to the facts, so as to make them speak the truth, although the record has once been approved.

(Emphasis added.) *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 89, 333 N.W.2d 652, 655 (1983). The Court added the following observation:

The purpose of a nunc pro tunc correction is to make the record speak the truth. Its purpose is not to correct oversights or failures in the performance of mandatory acts.

Id. Altering the previous meeting minutes to give a false impression of what took place previously not only runs contrary to the above guidance by the Court but also risks running afoul of the statutory prohibition against “abuse of public records.” Neb. Rev. Stat. § 28-911 (Reissue 2016) says, in relevant part, the following:

(1) A person commits abuse of public records, if:

(a) He knowingly makes a false entry in or falsely alters any public record; or

** * * **

(d) He makes, presents, or uses any record, document, or thing, knowing it to be false, and with the intention that it be taken as a genuine part of the public record.

(2) As used in this section, the term public record includes all official books, papers, or records created, received, or used by or in any governmental office or agency.

(3) Abuse of public records is a Class II misdemeanor.

At this juncture, the Board will need to take further action not only to restore the improperly amended prior meeting minutes to their original form but also to hold a new vote that follows the proper process.

Without procedures to ensure compliance with the applicable provisions of the Act, as well as to safeguard the production and retention of accurate meeting minutes, there is an increased risk for both statutory violations and the loss of Village funds.

We recommend the Board implement procedures to ensure compliance with the applicable provisions of the Act. Additionally, the Board should take immediate action to remedy the issues addressed in this comment. Because those issues involve possible violations of the Act, we are forwarding the information herein to both the Nebraska Accountability and Disclosure Commission and the Nebraska Attorney General.

2. Impermissible Gratuities

As noted already, one of the motions approved during the December 4, 2018, Board meeting was the payment of \$100 year-end bonuses to two Village employees. Those year-end bonus payments were made pursuant to a “Bonus Pay” provision in the Village’s “Employee Handbook,” as follows:

Year-end bonuses will be given in December and will depend on length of employment: 1-2 years, \$50; 2-10 years, \$100; 10 years or more, \$200.

Article III, § 19, of the Nebraska Constitution contains the following prohibition against gratuitous payments to public employees:

The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

According to the Nebraska Supreme Court, this constitutional prohibition is applicable to both the State and its many political subdivisions. Retired City Civilian Employees Club of City of Omaha v. City of Omaha Employees’ Retirement System et al., 199 Neb. 507, 512, 260 N.W.2d 472, 475 (1977).

The Nebraska Attorney General has commented upon the prohibition in Article III, § 19, as follows:

[T]he purpose of state constitutional provisions such as Art. III, § 19 which prohibit extra compensation to public employees after services are rendered is to prevent payments in the nature of gratuities for past services.

Op. Att’y Gen. No. 95063 (Aug. 9, 1995). It should be noted, however, that the prohibition against gratuities does not necessarily apply to certain types of salary adjustments, such as longevity pay – which, unlike an impermissible gratuitous bonus, is earned compensation.

Based upon the language in the “Bonus Pay” provision of the Village’s “Employee Handbook,” as quoted above, it is difficult to determine whether such compensation constitutes an impermissible gratuity for services already provided or a lawful future salary increase similar to longevity pay.

Good internal control requires procedures to ensure that language in administrative documents utilized by governmental entities is drafted clearly and unambiguously to avoid any possible misunderstanding or dispute regarding its meaning or underlying legality.

We recommend the Village consult with the Village Attorney, County Attorney, or the Nebraska Attorney General regarding the permissibility of the “Bonus Pay” provision in the Village’s “Employee Handbook,” as presently drafted.

Overall Village Response: We understand what we did incorrectly, and have a process we implement to make sure we don’t repeat these errors. I had just started as the Village Clerk and am now acquainting myself with the Municipal codes and meeting protocols.

* * * * *

The preliminary planning work that resulted in this letter was designed primarily on a test basis and, therefore, may not bring to light all existing weaknesses in the Village’s policies or procedures. Nevertheless, our objective is to use the knowledge gained during the performance of that preliminary planning work to make comments and suggestions that we hope will prove useful to the Village.

Draft copies of this letter were furnished to the Village to provide its management with an opportunity to review and to respond to the comments and recommendations contained herein. Any formal responses received have been incorporated into this letter. Such responses have been objectively evaluated and recognized, as appropriate, in the letter. Any response indicating that corrective action has been taken was not verified at this time.

Additionally, a copy of this letter is being forwarded to the Village Attorney, the Nebraska Accountability and Disclosure Commission, and the Nebraska Attorney General for further review.

This communication is intended solely for the information and use of the Village and its management. It is not intended to be, and should not be, used by anyone other than those specified parties. However, this letter is a matter of public record, and its distribution is not limited.

If you have any questions regarding the above information, please contact our office.


Sincerely,




Craig Kubicek, CPA, CFE
Assistant Deputy Auditor
Phone 402-471-2111
craig.kubicek@nebraska.gov

cc: Village of Gresham Attorney
Nebraska Attorney General
Nebraska Accountability and Disclosure Commission

VILLAGE OF GRESHAM REGULAR MEETING DECEMBER 4

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Details for VILLAGE OF GRESHAM REGULAR MEETING DECEMBER 4

Dec 15, 2018

VILLAGE OF GRESHAM REGULAR MEETING DECEMBER 4, 2018 The Gresham Village Board met in open and public session on Tuesday, December 4, 2018 at the Village office. Notice of the meeting was given in advance in the York News-Times on November 23, 2018. Chairperson Luettel called the meeting to order at 7:00 p.m. Answering roll call were Trustees Handy, Menke, and Luettel, Absent Murray; also present was guest Chris Miller, Sgt. Winn (York County Sheriff), employees James O'Donnell and Linda Eschenweck. Chairperson Luettel publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was held. Luettel motioned to approve the agenda; Handy seconded. Roll call vote: all ayes, Murray absent. Motion carried. Luettel motioned to approve the minutes of the November 13, 2018 meeting; Handy seconded. Roll call vote: all ayes absent Murray. Motion carried. Luettel motioned to approve and accept the Treasurer's report for October 2018; Handy seconded. Roll call vote: all ayes, absent Murray. Motion carried. The following claims were presented: Card Services (Postage, water samples) - \$52.61; Central Valley Ag (fuel, propane) - \$907.51; DD Sales & Service (Drain Snack Shack and Library) - \$125.00; Eakes Office Supply (2 - 2019 Desk calendars, Toner Cartridges) - \$469.09; Gresham Community Club (library rent) - \$150.00; Gresham Post Office (postage) - \$35.00; IRS (FICA and withholding tax) - \$530.19; Mierau & Co.

(accounting) - \$200.00; Nathan Marker (Deposit refund) - 55.04; NE Municipal Clerk Institute (Registration Fee) - \$443.00; NE Department of Environmental Quality (loan payment) - \$2391.23; NE Department of Revenue (sales tax) - \$374.08; NE Department of Revenue (withholding tax) - \$153.10; NE Municipal Power Pool (software, support plan) - \$2,0133.00; NE Public Health Environmental Lab (water testing) - \$216.00; Perennial Public Power District (electricity) - \$2,155.19; Petty Cash (office supplies) - \$10.59; Elizabeth Schlamann (Deposit Refund) - \$45.14; Windstream (telephone and internet) - \$111.39; York News Times (publications) - \$54.97; York County Register of Deeds (Property Liens Mowing) - \$50.00; Transfers: Street Fund - \$550.00, Water Fund - \$861.00, Sewer Reserve (sales tax) - \$895.00; Sewer Reserve (hookup fee) - \$791.00; Sewer Reserve (2/3 Sept. Sales Tax) - \$840.48; Wage: L Eschenweck - \$579.05; P Handy - \$903.34; J O'Donnell - \$1374.76. After discussion, Handy motioned to accept and pay the claims; Menke seconded. Roll call vote: all ayes, Absent Murray. Motion carried. Opened One - and - Six Year Street Plan hearing: 7:05 p.m. After discussion, the hearing was closed at 7:20 p.m. Luettel motioned to adopt the 1 & 6 year plan as amended to add 1/2 block on Beech Street; Handy seconded. Roll call vote: all ayes, absent Murray. Motion carried. Luettel motioned for the current Board to adjourn sin die, Menke seconded: Roll call vote all ayes, absent Murray. Motion carried. The new Board reconvened with motion by Menke, seconded by Luettel. Roll call vote: all ayes; motion carried. The Clerk administered the Oath of Office to new Board members Kayla Kilgore and Amanda O'Donnell. Nominations for Village Board Chairperson were opened. Handy nominated Luettel; O'Donnell seconded. Roll call vote: all ayes. Motion carried. Handy motioned for nominations to cease, Luettel seconded. Roll call vote: all ayes. Motion carried. Handy motioned Luettel to be named Board chairperson; O'Donnell seconded. Roll call vote: all ayes, Luettel abstained. Motion carried. Luettel nominated Menke to serve as Chairperson Pro Tem; Handy seconded. Roll call vote: all ayes: abstain: Menke. Motion carried. Luettel motioned for nominations to cease; Handy seconded. Roll call vote: all ayes. Motion carried. Luettel motioned to nominate Menke to be Chairperson Pro Tem. Roll call vote: all ayes, Menke abstained. Motion carried. The following appointments were made: Menke and O'Donnell to serve on Streets and Alleys Committee; Kilgore and Menke to serve on

Water and Sewer Committee; Tom Bredwell, Kilgore and Luettel to serve on Board of Health Committee. Luettel motioned to appoint Pamela Handy as Village Clerk/Treasurer, Menke seconded. Roll call vote: all ayes. Motion carried. Luettel motioned to appoint Jim O'Donnell as Village Maintenance Superintendent, Menke seconded. Roll call vote: all ayes. Motion carried. Luettel motioned to approve the following: Village Engineer: Miller and Associates, PC; Village Street Superintendent: Reed Miller; Village Attorney to be Svehla Law Office, PC; Village accountant to be Mierau and Co., PC; Village law enforcement to be the York County Sheriff's Department; Designate the depository for Village Funds to be York State Bank-Gresham Branch, and authorized signers to be any two of the Chairperson, Chairperson Pro Tem, and the Clerk/Treasurer, except transfers between Village accounts would require only one signature: designate York News Times for legal publications; approve submitting an Audit Waiver Request in lieu of an Audit to the State. Menke seconded. Roll call vote; all ayes. Motion carried. Menke motioned to approve year-end bonuses of \$100.00 each to Eschenweck and J O'Donnell to be paid on January claims; Luettel seconded. Roll call vote: all ayes. Motion carried. Luettel motioned to approve a adjustment of \$15.00 per hour for the Clerk position effective January 1, 2019; Menke seconded. Roll call vote; all ayes. Motion carried. Luettel motioned to approve a salary increase adjustment of \$.50 per hour for the Maintenance Supervisor position effective January 1, 2019. Kilgore seconded. Roll call vote; all ayes. Motioned carried. The new clerk submitted a request to purchase a check writing application from Quickbooks at a cost of \$179.95; Luettel motioned to approve, Kilgore seconded. Roll call vote; all ayes. Motion carried. Menke motioned that permission be given for J O'Donnell to attend a water conference in Kearney and to attend a work shop in January and approve education hours; Kilgore seconded. Roll call vote; all ayes. Motion carried. The maintenance report covered results of the hydrant flushing and that a curb stop was not functioning and will be repaired in the spring. The Clerk's report covered accounts receivable, a Hazard Mitigation Planning session on December 17, 2018, Clerk School March 18 - 22, 2019 in Kearney, and other miscellaneous items. Luettel motioned to adjourn at 9:00 p.m. and postpone next month's

meeting to January 2, 2019 due to the holiday; O'Donnell seconded. Roll call vote all ayes. Motion carried. Thomas J Luettel Board Chairperson
Pamela K Handy Village Clerk December 14

KEYWORDS: VILLAGE OF GRESHAM REGULAR MEETING DECEMBER 4, 2018 The Gresham Village Board met in open and public session on Tuesday, December 4, 2018 at the Village office. Notice of the meeting was given in advance in the York News-Times on November 23, 2018. Cha

Village of Gresham
Altered December 4, 2018 Village Meeting Minutes After January 8, 2019 Meeting

ATTACHMENT B

**VILLAGE OF GRESHAM
REGULAR MEETING
DECEMBER 4, 2018**

The Gresham Village Board met in open and public session on Tuesday, December 4, 2018 at the Village office. Notice of the meeting was posted in three places in the Village of Gresham on November 23, 2018.

Chairperson Luettel called the meeting to order at 7:00 p.m. Answering roll call were Trustees Handy, Menke, and Luettel, Absent Murray; also present was guest Chris Miller, Sgt. Winn (York County Sheriff), employees James O'Donnell and Linda Eschenweck. Chairperson Luettel publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was held.

Luettel motioned to approve the agenda; Menke seconded. Roll call vote: all ayes, Murray absent. Motion carried.

Luettel motioned to approve the minutes of the November 13, 2018 meeting; Menke seconded. Roll call vote: all ayes absent Murray. Motion carried.

Luettel motioned to approve and accept the Treasurer's report for October 2018; Kilgore seconded. Roll call vote: all ayes, absent Murray. Motion carried.

The following claims were presented: Card Services (Postage, water samples) - \$52.61; Central Valley Ag (fuel, propane) - \$907.51; DD Sales & Service (Drain Snack Shack and Library) - \$125.00; Eakes Office Supply (2 - 2019 Desk calendars, Toner Cartridges) - \$469.09; Gresham Community Club (library rent) - \$150.00; Gresham Post Office (postage) - \$35.00; IRS (FICA and withholding tax) - \$530.19; Mierau & Co. (accounting) - \$200.00; Nathan Marker (Deposit refund) - 55.04; NE Municipal Clerk Institute (Registration Fee) - \$443.00; NE Department of Environmental Quality (loan payment) - \$2391.23; NE Department of Revenue (sales tax) - \$374.08; NE Department of Revenue (withholding tax) - \$153.10; NE Municipal Power Pool (software, support plan) - \$2,013.00; NE Public Health Environmental Lab (water testing) - \$216.00; Perennial Public Power District (electricity) - \$2,155.19; Petty Cash (office supplies) - \$10.59; Elizabeth Schlamann (Deposit Refund) - \$45.14; Windstream (telephone and internet) - \$111.39; York News Times (publications) - \$54.97; York County Register of Deeds (Property Liens Mowing) - \$50.00; Transfers: Street Fund - \$550.00, Water Fund - \$861.00, Sewer Reserve (sales tax) - \$895.00; Sewer Reserve (hookup fee) - \$791.00; Sewer Reserve (2/3 Sept. Sales Tax) - \$840.48; Wage: L Eschenweck - \$579.05; P Handy - \$903.34; J O'Donnell - \$1374.76. After discussion, Luettel motioned to accept and pay the claims; Menke seconded. Roll call vote: all ayes, Absent Murray. Handy Abstain Motion carried.

Opened One - and - Six Year Street Plan hearing: 7:05 p.m. After discussion, the hearing was closed at 7:20 p.m. Luettel motioned to adopt the 1 & 6 year plan as amended to add 1/2 block on Beech Street; O'Donnell seconded. Roll call vote: all ayes, absent Murray. Motion carried.

Luettel motioned for the current Board to adjourn sin die, Menke seconded: Roll call vote all ayes, absent Murray. Motion carried.

The new Board reconvened with motion by Menke, seconded by Luettel. Answering Roll call vote: Kilgore, Luettel, Menke, O'Donnell Motion Carried.

The Clerk administered the Oath of Office to new Board members Kayla Kilgore and Amanda O'Donnell.

Nominations for Village Board Chairperson were opened. Menke nominated Luettel; O'Donnell seconded. Roll call vote: all ayes. Motion carried. Menke motioned for nominations to cease, Luettel seconded. Roll call vote: all ayes. Motion carried. Menke motioned Luettel to be named Board chairperson; O'Donnell seconded. Roll call vote: all ayes, Luettel abstained. Motion carried.

Luettel nominated Menke to serve as Chairperson Pro Tem; Kilgore seconded. Roll call vote: all ayes: abstain: Menke. Motion carried. Luettel motioned for nominations to cease; Kilgore seconded. Roll call vote: all ayes. Motion carried. Luettel motioned to nominate Menke to be Chairperson Pro Tem. Roll call vote: all ayes, Menke abstained. Motion carried.

Altered December 4, 2018 Village Meeting Minutes After January 8, 2019 Meeting

The following appointments were made: Menke and O'Donnell to serve on Streets and Alleys Committee; Kilgore and Menke to serve on Water and Sewer Committee; Tom Bredwell, Kilgore and Luettel to serve on Board of Health Committee.

Luettel motioned to appoint Pamela Handy as Village Clerk/Treasurer, Menke seconded. Roll call vote: all ayes. Motion carried.

Luettel motioned to appoint Jim O'Donnell as Village Maintenance Superintendent, Menke seconded. Roll call vote: all ayes. Motion carried.

Luettel motioned to approve the following: Village Engineer: Miller and Associates, PC; Village Street Superintendent: Reed Miller; Village Attorney to be Svehla Law Office, PC; Village accountant to be Meirau and Co., PC; Village law enforcement to be the York County Sheriff's Department; Designate the depository for Village Funds to be York State Bank-Gresham Branch, and authorized signers to be any two of the Chairperson, Chairperson Pro Tem, and the Clerk/Treasurer, except transfers between Village accounts would require only one signature: designate York News Times for legal publications; approve submitting an Audit Waiver Request in lieu of an Audit to the State. Menke seconded. Roll call vote; all ayes. Motion carried.

Menke motioned to approve year-end bonuses of \$100.00 each to Eschenweck and J O'Donnell to be paid on January claims; Luettel seconded. Roll call vote: all ayes. Motion carried.

Luettel motioned to approve a adjustment of \$15.00 per hour for the Clerk position effective January 1, 2019; Menke seconded. Roll call vote; all ayes. Motion carried.

Luettel motioned to approve a salary increase adjustment of \$.50 per hour for the Maintenance Supervisor position effective January 1, 2019. Kilgore seconded. Roll call vote; all ayes, O'Donnell Abstained. Motioned carried.

The new clerk submitted a request to purchase a check writing application from Quickbooks at a cost of \$179.95; Luettel motioned to approve, Kilgore seconded. Roll call vote; all ayes. Motion carried.

Menke motioned that permission be given for J O'Donnell to attend a water conference in Kearney and to attend a work shop in January and approve education hours; Kilgore seconded. Roll call vote; all ayes. Motion carried.

The maintenance report covered results of the hydrant flushing and that a curb stop was not functioning and will be repaired in the spring.

The Clerk's report covered accounts receivable, a Hazard Mitigation Planning session on December 17, 2018, Clerk School March 18 - 22, 2019 in Kearney, and other miscellaneous items.

Luettel motioned to adjourn at 9:00 p.m. and postpone next month's meeting to January 2, 2019 due to the holiday; O'Donnell seconded. Roll call vote, all ayes. Motion carried.

Pamela K Handy
Village Clerk

Thomas J Luettel
Board Chairperson

Village of Gresham
January 8, 2019 Village Meeting Minutes

ATTACHMENT C

**VILLAGE OF GRESHAM
REGULAR MEETING
JANUARY 8, 2019**

The Gresham Village Board met in open and public session on Tuesday, January 8, 2019 at the Village office. Notice of the meeting was given in advance in the York News-Times on December 12, 2018.

Chairperson Luettel called the meeting to order at 7:00 p.m. Answering roll call were Trustees Kilgore, Luettel, Menke, O'Donnell, and Murray; also present were employees P Handy, and J O'Donnell, guests Cindy Avery. Chairperson Luettel publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was held.

Luettel motioned to amend the agenda to include the Anonymous Complaint to the State Auditor of Public Accounts. Menke seconded. Roll call vote: all ayes. Motion carried.

Luettel motioned to approve the agenda as amended; Menke seconded. Roll call vote: all ayes. Motion carried.

Kilgore motioned to amend the minutes of the December 4, 2018 meeting, changing the motion record to reflect corrections made in response to the complaint received from the Auditor of Public Accounts. Menke seconded. Roll call vote: all ayes. Motion carried.

Kilgore motioned to amend the minutes of the November 6/13, 2018 meeting, changing the motion record to reflect corrections made in response to the complaint received from the Auditor of Public Accounts. Murray seconded. Roll call vote: all ayes. Motion carried.

Menke motioned to approve the minutes of the December 4, 2018 meeting as amended; Luettel seconded. Roll call vote: all ayes. Motion carried.

Menke motioned to approve the minutes of the November 6/13, 2018 meeting as amended; Luettel seconded. Roll call vote: all ayes. Motion carried.

Menke motioned to approve and accept the Treasurer's report for November 2018; Kilgore seconded. Roll call vote: all ayes. Motion carried.

The following claims were presented: American Legal Publishing (2019 Basic Code) - \$650.00; Card Services (Postage, Water Samples, Lodging) - \$260.13; Centennial School (Tobacco License Renewal) - \$10.00; Central Valley AG (Fuel, Propane) - \$65.88; Eakes Office Solutions (Copy Paper, Pens) - \$68.77; Gresham Community Club (library rent) - \$150.00; Gresham Post Office (postage) - \$100.00; IRS (FICA and withholding tax) - \$589.99; Mierau & Co. (accounting) - \$240.00; NE Department of Revenue (Sales Tax Return Nov) - \$586.22; NE Department of Revenue (State Withholding Tax) - \$153.10; Perennial Public Power District (electricity) - \$449.69; Petty Cash (office supplies) - \$3.75; Bob Robinson (Tree Trimming and Removal) - \$600.00; Windstream (telephone and internet) - \$111.39; York County Clerk's Office (General Election Costs) - \$100.00; York News Times (publications) - \$50.96; Transfers: Street Fund - \$550.00, Water Fund - (\$7.00/Hookup) - \$861.00, Sewer Fund - \$2,985.43; Wages: L Eschenweck - \$120.03; P Handy - \$1,067.72; J O'Donnell - 1,570.08; T Cain (July - Dec. Board meetings) - \$46.18; P Handy (July - Dec. Board meetings) - \$138.53; T Luettel (July - Dec. Board meetings) - \$277.05; J Menke (July - Dec. Board meetings) - \$166.23; E Murray (July - Dec. Board meetings) - \$138.53. After discussion, Kilgore motioned to accept and pay the claims; Luettel seconded. Roll call vote: all ayes, O'Donnell Abstained. Motion carried.

Under old business: Luettel motioned to have the York County Sheriff issue Citations to property owners of Nuisance Properties, described as follows; Lot 4 and the N 1/2 of Lot 5, Blk 1 OT Village of Gresham.

Lot 9, Exc S 30' and Lots 10 - 12, Blk 14, OT Village of Gresham.

Lots 11 and 12, Blk 106, OT Village of Gresham.

Partial IRR Tract 6 - 10 -12 - 1 28 AC on the west side of Village of Gresham.

Menke seconded. Roll Call vote: all ayes. Motion carried.

Village of Gresham
January 8, 2019 Village Meeting Minutes

ATTACHMENT C

Under New Business: Luettel introduced and read, Ordinance No. 01-2019 (adopting the 2018 municipal codes); Luettel motioned to Pass and approve this ordinance; Menke seconded. Roll call vote: all ayes. Motion carried. Luettel motioned to suspend Rules; Kilgore seconded. Roll call vote; all ayes. Motion carried. Kilgore moved for final passage of Ordinance 01-2019; O'Donnell seconded. Roll call vote; all ayes. Ordinance 01 - 2019 passed.

The Maintenance report covered; attending the 2019 Multi - Jurisdictional Hazard Mitigation Plan Update, Water Meter Issues, Water system Chlorination, and the siren not working.

The Clerk's report covered accounts receivable activity, placing some of the Villages Sunny Day Savings accounts into C.D. to earn better interest rates, and miscellaneous items.

There being no further business, Luettel motioned to adjourn at 8:30 p.m.; Murray seconded. Roll call vote: all ayes. Motion carried.

The next meeting will be February 5, 2019 at 7:00 p.m. at the Village office.

Pamela K. Handy
Village Clerk

Thomas J. Luettel
Chairperson