

BIG SPRINGS VILLAGE BOARD OF TRUSTEES
SHOW CAUSE HEARING AND SPECIAL MEETING MINUTES
June 27, 2023

Present Trustees: Farrier, Everitt, Van Zee, and Van Horn. Absent Trustee: Dinkel. Others present: Village Clerk/Treasurer, Tamera Loomis, Village Maintenance, Curtis Brown, and Village Attorney, Josh Wendell.

Show Cause hearing to satisfy a written request for a show cause hearing on a declared nuisance property within the Village of Big Springs. The property identified by case number, and property physical address: 2023 BIG 41 – 603 Mulberry; located within the municipal limits of Big Springs, Nebraska and Special meeting of the Board of Trustees of the Village of Big Springs, Nebraska were called to order at 7:00pm on June 27, 2023 in open and public session by Board Chairman Van Zee. Notice of the public hearing and special meeting was given in advance by posting at the Village Office, U.S. Post Office, and Community First Bank and by publication in the Chappell Register, the village's designated methods for giving notice, and delivered to members of the Board of Trustees with a copy of their Acknowledgment of Receipt and the Agenda attached to these minutes. Availability of the Agenda was communicated in the advance notice. All proceedings hereafter shown were recorded while said meeting was open to the attendance of the public.

Pledge of Allegiance was recited and a moment of silence was observed.

Chairman Van Zee welcomed the visitors and announced the Open Meeting Law Poster posted on the wall of the meeting room with copies available from the Village Clerk if wanted.

Chairman Van Zee handed off the Show Cause hearing to Village Attorney, Josh Wendell to conduct said hearing.

Brief explanation: West Central Development District presented Declaration of Nuisance Properties resolution(s) and reviewed property slides with the board of trustees at their regular meeting held on Tuesday, June 6, 2023. Resolution(s) were adopted as presented. WCDD then sent notifications to each of the declared nuisance property owners. The property owners of 603 Mulberry asked for show cause hearing to present their side of why their property shouldn't have been declared a nuisance.

Nuisance officer, Sam Redfern, first up to present a run down the determination; why it was done that way. Questions can be asked throughout the hearing; whatever we want to have happen. Whoever is the chair representing the property will have opportunity to present whatever evidence, pictures, discussion, testimony, what they want to have happen.

Nuisance officer, Sam Redfern, presented and reviewed Show Cause Exhibits packet. Packet becomes body of evidence that would go to the District Court if an appeal is faced. This is basically all of the facts and law that supports the nuisance officer's determination. Case 2023 BIG 41 – 603 Mulberry a certified courtesy letter was sent to property owners on April 27, 2023 with clear property of identified nuisance items by May 29, 2023. Property was not cleared by May 29th, a secondary review we saw nuisance of an inoperable vehicle, scraped metal or wood, auto parts including tires, building materials, and barrels. Photos are included in packet of the property initial and secondary review. Because of secondary review with nuisance items still on the property and initially WCDD didn't receive any communication from the property owner(s) asking for an extension regarding these nuisance items the property was declared by the village board of trustees on June 6, 2023. The declared letter went out on June 7, 2023 to the property owners. Sam asked if there were any questions. No questions were immediately forth coming. Sam explained included in the exhibit packet are the nuisance ordinances, which help prove the items that were flagged as potential nuisances that were then declared nuisance by resolutions. The first page of the packet is the table of contents.

For the record the Show Cause Exhibits packet is Exhibit 1 for the purpose of the hearing. There could be additional exhibits. If there are any questions or concerns regarding any of this, the nuisance officer will be present for the remainder of the hearing.

Property owner asks why they were not provided with all of the photos in the packet with the certified mail sent on April 27th. Nuisance officer states that typically half of the photos in the evidence packet are from the initial review. Things changed on the property so there weren't similar photos in the secondary review. Occasionally not all photos in the declared letter but typically everything on the power point presented to the board and in the declared in the nuisance letter were included here. Property owner states how without all of the details how are we going to correct everything she's talking about. The situation is that generally, there is some discourse between the property owners and the nuisance officer. Property owners receive notification to work through the items identified as nuisance. If there's a number of nuisance items and things change basically from when the property is declared and the nuisance officer doesn't clear the property because of the things changed overtime, it's possible the property remains a nuisance due to those additional things that accrue, in sensitize when the declaration was made. In respect to how much information was received and its insufficiency. Those points can be made known to the village board of trustees. The village board typically doesn't get into this level of details of the amount of information that was provided. The ultimate decision is rather or not it's a nuisance and remains a nuisance. A lot of photos are taken during initial review not every pictures is used. Photos are kept as through and condensed as possible. With there being no further questions the nuisance officer set down.

The property owner was invited to speak. The letter they received on June 7th, they are basically concerned with the car under a fitted tarp made specially to cover a vehicle, which is allowable by ordinance. Property owner pointed at other properties in the village with no current registration, or plates that are also not covered. Asked the nuisance office to tell what was seen in the picture provided. Comment was, looks like discarded auto parts. No, it's a barbeque grill. Define collection of barrels. One is enough. That is not a collection, it's only 1. Again, other properties were pointed at within the village. They barrel on their property is used to retain used motor oil until a farmer comes and picks it up. Has a locking top on top of it, there is no way a rodent can get in the barrel. Everything around it has been cleaned up. The lumber has been neatly stacked up. It's agreed that it was a mess. Our biggest complaint is the vehicle under the fitted tarp. The Dodge vehicle missing the back axel has

been repaired for a friend and is now one off the property. Every other vehicle that is on the property is now plated and insured and running. The purpose of the review is to talk about the declaration of nuisance as it was presented to the board on June 6th. Basically if it's been cleaned up, typically the way that's it handled is that the nuisance officer does another review with general discussion with you. The purpose of the hearing is rather or not the nuisance was accurate when presented evidence of the property being a nuisance at that time to the board on June 6th. Certainly we appreciate the fact that you done the things that you've done to remedy all that. Trying to explain the scope of what we're trying to do. Absolutely as soon as these all items get addressed than what happens is another resolution gets passed and clears the property. Property owner states there are 3 items that will not be cleared. The barrel for motor oil, the barbeque camp grill, and the Javelin, car under the fitted tarp. The property was cleaned up after the property was declared.

Trustee Everitt asked the Nuisance officer, the Javelin is not complete without the tires, right? Nuisance officer states, in our perspective it is inoperable without the tires. Property owner comments that inoperable doesn't mean nothing, the car is being properly stored has stated in the ordinances. However, it now has tires on it. Trustee Farrier states she can personally account for everything they've done, she lives right next to them. She has seen the work that they've done and they've done quite a bit. Now as far as the Javelin goes, if the tarp is securely covering it, their property looks better than mine. What they've done is satisfactory in my opinion for me solely. The nuisance officer is basically going to need to do another inspection to verify all this, nothing against anyone. The purpose of the hearing is to determine that at the time that the nuisance was declared was sufficient evidence presented to satisfied the elements of nuisance, after that, there will additional exchanges between the nuisance officer and the property owner. Property owner passes cell phone around the table with pictures of neatly stacked lumber and

Chairman Van Zee if you've done everything, everything is licensed and insured you should be cleared. Property owner states everything but the Javelin, but it properly covered. When the nuisance officer goes an inspection a third time the property should be cleared. We need to discuss the barrel and grill. Nuisance officer states that they encourage property owners to call them if there's lids that go over barrels and items like that. Typically, they cannot see those items from public view. They are mostly concerned as ordinance states, with things that can hold stagnant water.

Trustee Van Horn states that last year his property was in the cleanup zone, they had some issues. They talked to the nuisance officer and explained to them what they're keeping around and why those things were being kept around. They worked with me really well. All I had to do with talk to them and explain to them without getting worked up.

Chairman Van Zee, it sounds like everything has been fixed. The property should clear. Property owner

Property owner was asked if there was anything else he wanted to present, pictures or otherwise or has everything been handled worked out. Concerned with lost days off work, we're all working people in this community and giving people a certain time to do it, some people can't do it. Especially this time of year with farmer going on and getting ready for harvest going on. Standing up because it's thought nuisance is going out c their boundaries. Windshield assessment means windshield assessment, not out of the side windows or outside of the vehicle. The pictures that were received were not taken out of the windshield. Trustee Everitt response that the nuisance officer cannot get on the property. Chairman Van Zee response that if you work with them, they will work with you. If you don't work with them, they are not going to work with you. We all understand harvest, busy and work. They were properties drawn out of a year. It sounds like everything has been cleaned up, there should not be any issues. Nuisance will be inspected again and should clear at the next meeting. Want to make sure because the Javelin isn't going anywhere. The board didn't want it to.

With respect to the 603 Mulberry property, if no action is taken the nuisance declaration is as it is. The nuisance officer will bring it back before the board after another inspection is complete. If there is additional discussion need that discussion can be held at a later meeting. As long as the board is satisfied that adequate evidence was presented on June 6, 2023 to claim the nuisance.

The hearing was closed at 7:20pm.

Motion by Van Zee, we approve the minutes of the June 6, 2023 meeting, seconded by Everitt. Yea: Farrier, Everitt, Van Horn, and Van Zee. Motion passed unanimously.

Motion by Everitt, we close East 4th Street and East Chestnut on July 4th for a parade from 9:00am until 12:00 (Noon), seconded by Farrier. Yea: Van Zee, Van Horn, Everitt, and Farrier. Motion passed unanimously.

Pool Manager requests providing a swim camp. Do the research and be prepared to present the idea next year.

Motion by Van Zee, Swimming Pool hours be changed on the Fourth of July to 11:00 a.m. – 3:00 p.m., seconded by Farrier. Yea: Everitt, Van Zee, Farrier, and Van Horn. Motion passed unanimously.

Motion by Van Zee, the daily operational Swimming Pool hours are 1:00 p.m. – 5:00 p.m. regardless of the occupant headcount, seconded by Everitt. Yea: Van Zee, Van Horn, Everitt, and Farrier. Motion passed unanimously.

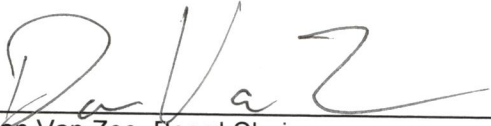
Motion by Van Zee, we allow the pool manager to set special events at swimming pool outside normal pool hours at a fee of \$100.00/hour, seconded by Everitt. Yea: Farrier, Van Horn, Everitt, and Van Zee. Motion passed unanimously.

Motion by Van Zee, the swimming pool concessions with the exception of coke products remains private in the hands of manager and lifeguards, seconded by Everitt. Yea: Van Horn, Farrier, Van Zee, and Everitt. Motion passed unanimously.

Motion by Van Zee, we accept Myers Construction proposal, \$28,662.53, to install Fire Hydrant South of I-80 and Rd 209 in the Vicinity of Maverik, seconded by Everitt. Yea: Farrier, Everitt, Van Horn, and Van Zee. Motion passed unanimously.

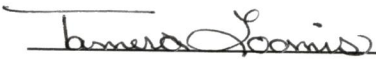
Motion by Farrier, we approve Curtis Brown's vacation request for Monday, July 10th through Thursday, July 20th, seconded by Van Zee. Yea: Everitt, Van Horn, Van Zee, and Farrier. Motion passed unanimously.

Motion by Van Zee, we adjourn, seconded by Farrier. Yea: Van Horn, Van Zee, Farrier, and Everitt. Motion passed unanimously and meeting adjourned at 8:03 pm.



Dan Van Zee, Board Chairman
Village of Big Springs Board of Trustees

ATTEST:



Tamera Loomis, Village Clerk

