

**Village of Loomis
Board Meeting Minutes
August 13th, 2019 - 7:00 PM
Loomis Community Building**

Present: Don, Nancy, Courtney, Kalen

Absent: Mike

REGULAR MEETING

Vice Chairman Reynolds opened the meeting at 7:00 PM

Nancy moved and Kalen seconded to excuse Mike from the meeting. Motion carried 4/0.

Don moved and Kalen seconded to approve the previous month's regular meeting minutes as printed. Motion carried 4/0.

Don moved and Nancy seconded that the following claims be approved and paid with the notation that the Village will make the full payment to Schabens Sanitation but will need to have a reimbursement of \$1,261.20 for the 3 rolloff dumpsters ordered for Morton St. residents after the flooding: **CLAIMS:** Nebraska Dept of Revenue - \$306.86, Internal Revenue Service - \$1,941.97, Jason Nelson - \$50.00, ATC Communications - \$228.94, Black Hills Energy - \$63.82, Central District Health Department - \$49.50, Chase Card Services - \$213.36; CHS Agri-Service Center - \$596.09, Commercial Recreation Specialists - \$465.00, Creston Fertilizer-Holdrege - \$435.60, Dier, Osborn, & Cox P.C., L.L.O - \$375.00, Holdrege Daily Citizen - \$59.20, Holdrege Soft Water Service - \$36.00, John Deere Financial - \$17.86, Landmark Implement, Inc. - \$24.09, Miller & Associates Consulting Engineers - \$596.75, Morten Electric - \$2,451.00, Municipal Chemical Supply - \$925.00, Nebraska Dept of Revenue - \$345.08, Office Solutions Associates - \$341.89, Phelps County Treasurer - \$442.03, Ridder Custom Building - \$1,100.28, Schaben Sanitation - \$5,892.54, Southern Power District - \$2,609.00, Svoboda's Ace Hardware - \$74.87, Wages - \$6,846.18; Motion carried 4/0.

Dana Daniels representing Miller & Associates Consulting Engineers was present to discuss an agreement to conduct an engineering study at the West end of Windsor Street. Engineering study would focus on best possible options to repair Windsor Street along with adequate storm water drainage. West end of Windsor Street is badly damaged and is in need of repair. Agreement noted services and study will be invoiced on an hourly basis not to exceed a fee of \$4,500. Kalen moved and Don seconded to move forward with the engineering study agreement from Miller & Associates. Motion carried 4/0.

Discussion was held on the consideration of Ordinance 19-1 Sexual Predator Residency Restrictions. Don introduced Ordinance 19-1 Sexual Predator Residency Restrictions by reading aloud for all in attendance. Don moved and Kalen seconded to suspend the requirement of the 3 readings of Ordinance 19-1. Motion passed 4/0. Kalen moved and Nancy seconded that Ordinance 19-1 Sexual Predator Residency Restrictions be passed and adopted. Motion carried 4/0.

Turn Over

**ORDINANCE NO. 19-1
OF THE VILLAGE OF LOOMIS, NEBRASKA**

AN ORDINANCE OF THE VILLAGE OF LOOMIS, NEBRASKA, AMENDING LOOMIS MUNICIPAL CODE SECTION 6-334 PROVIDING FOR SEXUAL PREDATOR RESIDENCY RESTRICTIONS; REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF LOOMIS, NEBRASKA, AS FOLLOWS:

1. That Section 6-334 of the Loomis Municipal Code is hereby amended so as to read and provide as follows:

“Section 6-334 SEXUAL PREDATOR RESIDENCY RESTRICTIONS

(1) Findings and Intent

- (a) The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.
- (b) Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.
- (c) It is the intent of this section to serve the Village's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the Village by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

(2) Definitions. For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD CARE FACILITY means a facility licensed pursuant to the Child Care Licensing Act.

RESIDE means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory.

RESIDENCE means a place where an individual sleeps, lives or dwells, which may include more than one locations, and may be mobile or transitory.

SCHOOL means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval.

SEX OFFENDER means an individual who has been convicted of a crime listed in section 29-4003 RS Neb. and who is required to register as a sex offender pursuant to the Sex Offender Registration Act.

SEXUAL PREDATOR means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Section 29-4001.01 RS Neb., and who has victimized a person eighteen (18) years of age or younger.

(3) Sexual Predator Residency Restrictions; Penalties; Exceptions.

- (a) *Prohibited location of residence.* It is unlawful for any sexual predator to reside within five hundred (500) feet from a school or child care facility.
- (b) *Measure of distance.* For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.
- (c) *Penalties.* A person who violates this section shall be punished as a misdemeanor as provided generally in the code. The Village shall also have such other enforcement remedies and measures as may be available under Nebraska law.
- (d) *Exceptions.* This section shall not apply to a sexual predator who:
 - (i) Resides within a prison or correctional or treatments facility operated by the state or a political subdivision;
 - (ii) Established a residence before July 1, 2006, and has not moved from that residence; or

- (iii) Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at the location.
- 2. All prior ordinances and resolutions, or parts thereof, in conflict herewith, are hereby repealed.
- 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 13th day of August, 2019

Board of Trustees of the Village of Loomis, Nebraska.

Signed by Mike Thorell, Chairman, Board of Trustees

ATTEST by Jason Nelson, Village Clerk

Building Permit 0819-1 was discussed for 108 Norman St. Nancy moved and Don seconded to approve the 8' x 8' house addition. Motion carried 4/0.

Past due utility bill report for this month was presented to the board by the clerk.

2019-2020 Budget was discussed. More budget figures will be calculated based off of discussions. Agreement was to keep the levy amount the same. Mosquito Fogger and seasonal part time help were also discussed.

The board discussed the list of suggested changes on the legal and editorial research report for the Village Municipal Code Book Recodification. Copies of the proposed codes will be made and spit up amongst the board to individually review and make comments by our next month's meeting.

Garbage Rates were reviewed. Per the Village's solid waste contract with Schaben Sanitation, this years garbage rate is based off of comparing our agreed base price to the Consumer Price Index (CPI). CPI showed a national average increase of 3.4% increase in garbage and trash collection. Board agreed to approve passing on a 2.6% increase to residents for monthly garbage fees while absorbing the remainder of the increase. New pricing will take effect Sept 1, 2019 and will show up on residents October billing invoice. Water and Sewer rate will remain the same.

Nancy moved and Courtney seconded to purchase a box scraper from Mike Thorell for \$1,000. Motion carried 4/0.

Bids for tree trimming in the park were discussed. Bid was awarded to Dean Newman for a total of 9 tree removals and trimming all trees in the park for \$3,100.

With no further business, Vice Chairman Reynolds adjourned the meeting at 8:31 PM.

ATTEST:
Jason Nelson, Clerk

APPROVED:
Courtney Reynolds, Vice Chairman