

**MINUTES
KENESAW BOARD OF TRUSTEES MEETING
March 13, 2018 AT 7:30 P.M.**

The Village of Kenesaw Board of Trustees held a regular board meeting on March 13, 2018 at 7:30 p.m. in the Community Room of the Kenesaw Village Office, as was advertised. Board Members present: Teresa Uden, Sarah Kroos, JR Pulver, and Rene Colon. Members Absent: Ronda Ehly. Also present: Henry Wilson, Dawn Miller-Adams Co., Jeremy Wegner-BNSF, Jake Rzewnicki-BNSF, Steven Bittfield, John Klusman, Hank Edmondson, Brian Bittfield, Jim Pulver, Peg Pulver. Clerk: Cindy Kiefer. Maintenance: Jeff Edmondson.

1. **Call to Order:** Chairman Kroos called the meeting to order at 7:32p.m.
2. **Location of the OMAL:** Chairman Kroos gave notice of the location of the Open Meetings Act Literature to be on the south wall of the meeting room.
3. **Review/Approve Minutes of the Regular Meeting February 13, 2018:** Moved by Trustee Pulver, second by Trustee Uden to approve the minutes of the February 13, 2018 meeting. Roll call: Trustee Pulver-yea, Trustee Ehly-absent, Trustee Kroos-yea, Trustee Colon-yea, Trustee Uden-Yea. No opposed. Motion carried.
4. **Review/Approve Expenditures of February 2018:** Motion was made by Trustee Pulver, second by Trustee Uden to approve the February 2018 Expenditures as presented. Roll call: Trustee Pulver-yea, Trustee Ehly-absent, Trustee Kroos-yea, Trustee Colon-yea, Trustee Uden-yea. No opposed. Motion carried.
5. **Review/Approve Treasurer's Report for February 2018:** Moved by Trustee Pulver, second by Trustee Uden to approve the February 2018 Treasurer's Report as presented. Roll call: Trustee Pulver-yea, Trustee Ehly-absent, Trustee Kroos-yea, Trustee Colon-yea, Trustee Uden-yea. No opposed. Motion carried.
6. **Discuss/Approve:** Constitution Ave Railroad Crossing Closure – Jeremy Wegner, BNSF. Mr. Wegner presented that BNSF would like to close the Railroad crossing at Constitution Ave., Kenesaw, NE due to the condition of the tracks, and the lack of use of the crossing. BNSF is willing to pay \$30,000.00 to be split between the Village and the County in exchange for the track closure.
Mr. Wegner was presented many questions and comments from the board of trustees, as well as the public, and the Department of Roads representative, Dawn Miller.
 - a. *Dawn Miller*-Noted that the crossing has already been closed, and no one has been notified. Dawn asked about light and gates that could be put at Holstein? Or more side track be added so that the trains are backed up more to the west instead of in town. She also raised questions of the safety of the tracks due to their lack of maintenance by BNSF as well as the issue that the tracks are very uneven. She also brought up that the \$30, 000.00 would be a split between the village and county as they share the maintenance of the road leading up to the tracks; Dawn also disputed the statement made by Mr. Wegner regarding the cost sharing for the crossing repairs, stating that it is NOT the county or the villages responsibility to maintain the tracks, it is BNSF's and if the tracks had been being maintained well all along, there would not be such a big need for complete repair, therefore, BNSF is totally responsible for fixing the tracks at the crossing to make the crossing useable. Dawn also addressed that the drop in the elevation from track to road way is due to the BNSF raising the track every time they put in new ties and such, thus making the unevenness of the tracks great, and the drop to the

road way greater and not the fault of the county or the village, thus BNSF should have the responsibility to make the tracks compatible with the road.

- b. Public Comment Summary from the public listed above is as follows: There was much concern about the safety of the current condition of the track from all of the public comments, as well as a request to keep the crossing open due to the need to have an option to get to the opposite side of town when trains are parked on the siding in town for extended periods of time. It was expressed by all those who spoke that the current condition of the track due to its extreme unevenness between the two tracks, and the steep drop from the track to the road level is very dangerous and even unusable for some farm implements and semi-trucks, which would greatly benefit from the crossing open and usable. There was also a very large concern voiced by all who participated in the conversation, about Kenesaw being used as the trains 'parking lot' for extended periods of time. It was noted that just within the last couple of weeks the train had sat blocking all the crossings in Kenesaw for over 3 hours, thus making an extremely dangerous situation for any sort of emergency's. It was noted that the first responders, on this occasion had been given notice that the train would be there for 2 hours, but that the time had extended to over three without any other communication from BNSF. It was noted that the first responders do not always get notice of the extended crossing closures. The public and the board both expressed a request for an immediate answer to the trains being parked, blocking the crossings in town as the blocking of the crossings are frequent. It was noted that the ties were removed and never replaced in that crossing the last time BNSF was changing out ties along the whole line through Kenesaw. The question was asked as to why the ties were not replaced, thus forcing that crossing to be unusable for the last 6 months or so.
- c. Board of Trustees - It was requested by *Trustee Colon* for an evaluation of the issues at the track and who is responsible to fix the track and bring it back to working condition. Also noting that both tracks need to be more even. *Trustee Uden* expressed a concern of the closure because she lives on the south side of town and is blocked in by the parked trains. *Trustee Pulver* Asked what the benefit would be to the closure. He expressed a strong opinion about the parking of the trains across all the crossing in Kenesaw creating an unsafe environment for medical and fire emergencies on the south side of town (as the fire dept. sits on the north side of the tracks in town). He asked if the train could not be disconnected in two when train is sitting too long. *Trustee Pulver* also discussed that the cost to repair and maintain the tracks should be completely BNSF's responsibility as they have not been maintaining the tracks well for years, thus allowing them to get to this current condition. In his opinion, the tracks should be left open and be fixed.
- d. *Trustee Kroos* requested from Mr. Wegner of BNSF to please contact BNSF about the village concerns and respond to Village in a timely manner because the maintenance of that crossing needs to be addressed by BNSF, and not try to make the Village or County to try to cost share.

MR. Wegner -BNSF responses to many of the comments and concerns: BNSF did not have a benefit for the closure that benefited the Village or the County. He stated that lights and gates, is a state initiative, and must be requested from the state by the city or county. Mr. Wegner stated that if the village wanted to keep the crossing open and wanted repairs done to the crossing that that would require a cost sharing between BNSF, Village and County. Mr. Wegner stated that there was a phone number on a sign at the railroad

crossing that can be called if a train is spending extended time blocking the crossing. He stated that he did not know why the ties were removed at the constitution crossing and not replaced. He stated that BNSF would not address the drop to the road, only the railroad ties and rail levels. He stated that he would look into the trains being parked over crossings for extended periods of time and get back with answers about that. He did not address the request from Dawn about adding siding track to the west that would allow the trains to stop and wait out where there are no crossings to be blocked. Mr. Wegner stated that the offer for permanent closure of Constitution Ave. railroad crossing in Kenesaw is still on the table for further discussion should the people or the board change their minds.

The vote/opinion of the people of Kenesaw was to keep crossing open and to deny the request for permanent closure at the Constitution Ave. crossing in Kenesaw, Ne. at this time, but would like to have the tracks at least in working order.

Motion made by Trustee Pulver, seconded by Trustee Colon that after much discussion with public attendees, Dawn Miller- Adams County Roads, Jeremy Wegner- BNSF and Kenesaw Board of Trustees to deny the request from BNSF to permanently close the railroad crossing at Constitution Ave. Kenesaw, NE. Roll call: Trustee Pulver-yea, Trustee Ehly-absent, Trustee Kroos-yea, Trustee Colon-yea, Trustee Uden-yea. No opposed. Motion carried

7. **Comments from the Public:** See comments above in regarding railroad crossing closure.
8. **Review/Discuss: 2017 Audit Review – Terry Galloway** – Terry presented the board with the final report on 2017 Financial Audit. Terry discussed the findings of the audit, noting that the village accounting is on a cash basis rather than an accrual basis but stated that their ‘opinion is not modified with respect to that matter,’ and provided recommendations that were made in their review. To see all recommendation, please refer to the 2017 Audit Report. Terry also discussed with the board bench marking ideas for making better use of the funds available, and options to gain more governmental funds available to us. See Financial Handout.
9. **Review/Approve: Kenesaw School/Village Land Interlocal Agreement**
 - a. **Shot Put Pad** – *After review and discussion of the proposed agreement it was decided to make changes in the language of the Interlocal agreement with regard to the maintenance and care of the proposed pad. The board requested Clerk Kiefer to make changes to reflect that the maintenance on the pad area, and up to two (2) feet around the pad are maintained by the school year-round. The board also asked Superintendent Edmondson to meet with School Superintendent Masters to go over the style, dimension and location of the proposed pad. Board stated they would like to hold off on the signing of the agreement until after the changes have been made, and Jeff has had a conversation with Rick Masters. Once a resolution has been met by Rick, Jeff and Sarah, board authorizes Sarah to sign off on the agreement.*
 - b. **Drive Way Access** – *After review and discussion of the proposed agreement for the drive way access to the preschool a motion was made by Trustee Pulver and seconded by Trustee Uden to accept the interlocal Cooperative Agreement for the Village of Kenesaw and Kenesaw Public School (Drive Way Access) as presented. Roll call: Trustee Pulver-yea, Trustee Ehly-absent, Trustee Kroos-yea, Trustee Colon-yea, Trustee Uden-yea. No opposed. Motion carried*
10. **Review/Approve: Street Project Contract – Olsson Associates.** Jeff Palik had sent over for the Boards review the contract for the Street Paving Project – 2018. After review and discussion, the board felt they had more questions to be answered regarding

the financing of the project, and Voted to **TABLE** the contract till April, and Request Jeff Palik to attend the April Board of Trustees regular meeting.

11. **Discuss/Approve: Nebraska Rural Water Association Donation for 2018** - Motion made by Trustee Pulver and seconded by Trustee Uden to make a donation to NeRWA for \$500.00. Roll call: Trustee Pulver-yea, Trustee Ehly-absent, Trustee Kroos-yea, Trustee Colon-yea, Trustee Uden-yea. No opposed. Motion carried.
12. **Review: Water Testing - Jeff Edmondson** - Jeff presented that he had received notice from Ne DHHS regarding the options for mandatory water testing. He noted that he would not be making any changes and will continue using the Nebraska Public Health Environmental Lab.
13. **Update:** Water Tower – TABLED
14. **Unfinished Business:**
 - a. **Flood Plain** – Henry Wilson presented to the board ideas on flood management. He shared that he has been in contact with a Rachel Shoemaker from the US Army Corps of Engineers, Flood Risk and Flood plain Management Section who he would like to have come and board at the April Board of Trustee meeting, with regard to some possible flood mitigation. The Board was in agreeance that it would be good to have as much information regarding floodplain management as possible, and asked Henry to extend an invitation to her for the April Meeting.
 - b. **Board Meeting Hours** – It was discussed that the board would like to move the Meetings to a 7pm start time during the summer. More discussion about that at the April meeting.
 - c. **Roads** - Jeff presented that the Asphalt needs sealing on South Smith Ave. He stated that Dawn Miller from Adams County Roads will get him a quote for the work. The quote will then be emailed to the board members fore review and action.
 - d. **Community Development** - Chairman Kroos reported that there will be a Community Development meeting on March 20, 2018 at 7 pm at the Kenesaw School. The meeting is being presented by Kenesaw Community Development and that the Village board members and community have all been invited to attend. He topic for discussion is the possible expansion of the town. Chairman Kroos encouraged all board members who could to attend the meeting.
15. Adjourn Regular Board of Trustee Meeting – 10:47 pm - Next meeting scheduled for April 10, 2018 at 7:30 pm

Chairman

(SEAL)

Clerk/Treasurer

I, Cindy Kiefer, Clerk for the Village of Kenesaw, hereby certify that the preceding minutes are a true and correct copy of the proceedings had and done by the Chairman and the Board of Trustees of the Village of Kenesaw on March 13, 2018. These minutes were posted in three public locations in the Village of Kenesaw and the shortened version was published in the Hastings Tribune.

Clerk/Treasurer