

July 2, 2025

The Trustees of the Village of Malcolm met on July 2, 2025 at 7:00 PM in open session at the Village Hall, 137 East 2nd , PO Box 228, Malcolm, NE 68402 for such business as shall come before said Trustees. Notice of this meeting was in the .

Nick Benes: Present, Mike Faubion: Present, Jason Lemkau: Present, Jerad Little: Present, Jack Tarr: Present.

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April Faubion, Village Clerk

June 4, 2025 at 7:00 PM - Board of Trustees Meeting Agenda

The Trustees of the Village of Malcolm met on Wednesday, June 4, at 7:00 p.m. in open session at the Village Hall located at 137 East 2nd Street, Malcolm, NE for such business as shall come before said Trustees. Notice of the meeting was in the “Clipper” and posted at the Village Hall, Malcolm Post office, Malcolm Fire Department, and on the Malcolm Website on Tuesday June 3, 2024.

CALL TO ORDER AND ROLL CALL

Nick Benes: Present, Mike Faubion: Present, Jason Lemkau: Present, Jerad Little: Present, Jack Tarr: Present.

OPEN MEETINGS ACT REQUIREMENT

OPEN MEETINGS LAW is posted and located on the wall as you enter the Village Hall.

CONSENT AGENDA

Jerad Little made a motion to approve the Consent Agenda as presented, which includes the minutes of the May 7 and May 20, 2025 Board meetings, claims, and the Treasurer's Report showing checks of \$56,944.01 and deposits of \$87016.93. Jack Tarr seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

VISITOR PERIOD

BUSINESS

The Funnel Cake Guy Mobile Food Vendor License Application

Jerad Little made a motion to approve the mobile food truck application submitted by The Funnel Cake Guy. Jason Lemkau seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Abstain (With Conflict)*
- Mike Faubion: *Yea*

Special Designated License

Following further discussion, the Board agreed to table consideration of this license application until the next regular meeting, requesting that additional information be provided prior to making a final determination.

David Schaefer - Use Permit

At this time, action on the Use Permit application has been tabled, pending a final decision regarding the future use of the property. David Schaefer will issue a 30-day notice to TH Construction to vacate the property unless the company provides documentation demonstrating that the use of federally funded grant money for the project requires continued access and use of the property.

Building Permit - Kim Vanderkolk

This item was not discussed as the individual scheduled to present or speak on the matter did not attend the meeting. No action was taken.

Malcolm Fire Department Building Permit

A building permit application for the construction of the new Fire Department will be submitted to the Planning Commission for review and recommendation at its meeting on June 25, 2025. Following the Planning Commission's review, the application will be presented to the Village Board at its meeting on July 2, 2025. The selected contractor will be added to the building permit upon formal award of the project.

250 W 1st Street - Dissolving Covenants

This item was not discussed as the individual scheduled to present or speak on the matter did not attend the meeting. No action was taken.

550 Malcolm Road Culvert Permit

Jerad Little made a motion to approve the building permit for the replacement of culverts at 550 Malcolm Road. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Allegations of Misconduct and Potentially Fraudulent Activity

Lacy Smith raised concerns regarding village employees, building inspections and permits, and the certificate of occupancy at 550 Malcolm Road.

310 Elk Creek Road Storm Drain Repair

Following further discussion, the Board determined that the most effective solution to address the drainage issues is to install the drainpipe at an approximate depth of four feet. The Board will obtain cost estimates for the completion of this project.

Chip Sealing/Armor Coating of Gravel Roadways

Following further discussion, the Village Board directed staff to contact Midwest Armor Coating to explore the feasibility of completing chip sealing and armor coating projects in phased sections.

2025-2026 State of Nebraska Village Budget Form Approval - HBE

Jerad Little made a motion to authorize the Village Clerk to digitally sign the 2025-2026 State of Nebraska Village Budget Form Approval on behalf of the Village. Nick Benes seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Considerations of Annexation or Removal of Ballfield Improvements Within the County Right of Way

Jason Lemkau made a motion to allow Village employees Jadyn Little and April Faubion to attend the Executive Session. Jerad Little seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Jason Lemkau made a motion to move into closed session at 9:34 p.m., in the public interest, to discuss matters of pending litigation. Jack Tarr seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

At 9:52 p.m., the Board reconvened into open session following the executive session. No formal action was taken during the executive session.

Employee Evaluations

Jerad Little made a motion to move evaluations to the end of the Village Board meeting. Nick Benes seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

Jerad Little made a motion to move into executive session at 10:56 p.m. for the protection of public interest; evaluation of job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Mike Faubion seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

At 11:35 p.m., the Board reconvened into open session, following the executive session. No formal action was taken during the executive session. The Board reviewed the Ordinance pertaining to compensation for Village employees, officials, and members of the Board of Trustees. Following discussion, it was the consensus of the Board to table this item until the July meeting to allow for proposed revisions to be prepared and considered.

VILLAGE MAINTENANCE REPORT

A report was submitted and received by the Board.

ATTORNEY'S REPORT

A report was submitted and received by the Board.

VILLAGE CLERK REPORT

A report was submitted and received by the Board.

TABLED ITEMS

DATE OF NEXT MEETING(S), FUTURE AGENDA ITEMS

ANNOUNCEMENTS AND/OR ADJOURN

Jason Lemkau made a motion to move to adjourn at 11:53 pm. Jack Tarr seconded the motion. Motion Carried

- Jerad Little: *Yea*
- Jack Tarr: *Yea*
- Jason Lemkau: *Yea*
- Nick Benes: *Yea*
- Mike Faubion: *Yea*

April Faubion, Village Clerk