

STATE OF NEBRASKA
Office of the Attorney General

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JON BRUNING
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August 21, 2012

Margie Schneider

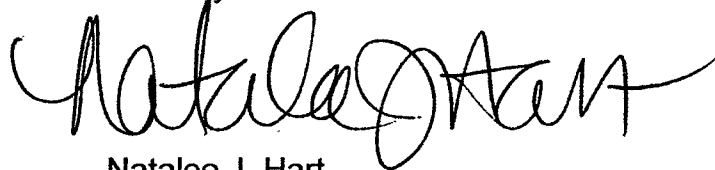

Re: *File No. 12-M-120; Village of Ulysses Board of Trustees;
Complainant Margie Schneider*

Dear Ms. Schneider:

Pursuant to your request received by us on August 21, 2012, enclosed please find the response of the Village of Ulysses Board of Trustees to your Open Meetings Act complaints.

Sincerely,

JON BRUNING
Attorney General



Natalee J. Hart
Assistant Attorney General

Cc: James E. Papik

02-347-30

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STATE OF NEBRASKA
DEPARTMENT OF JUSTICE

The Office of The Attorney General
Natalee J. Hart, Assistant Attorney General
2115 State Capitol Building
Lincoln, Ne 68509-8920

Dear Ms Hart,

I am in receipt of your final response to my complaint, dated August 15, 2012. I am disappointed to say the very least, however I can appreciate your position on the matter. Those of us who reside in this Village know better than what your investigation concluded to. Our one consolation, is that the three members in question will be going off the Board of Trustees in November of this year.

The response from the Board that was sent to you, was made without consulting ALL the board members. One board member in particular, asked that the complaint be put on the September agenda so that it could be discussed by all the members. It seems that once again, the three members in question made the decision to respond through the Village attorney. It is this kind of activity that concerns me and my fellow citizens.

Another thing that concerns me personally, is the fact that I received no copy of the response to my complaint from the Board/Attorney, while my letters of complaint were sent to the Board. I would very much appreciate your sending me a copy of the Board's response. I believe I am entitled to that much. I will expect to receive this information as soon as possible.

Thank you,

Sincerely,
Margie Schneider
225 N 4th Box 246
Ulysses NE 68669

James E. Papik
Attorney At Law

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August 2, 2012

Natalee J. Hart
Assistant of Attorney General
2115 State Capital Building
Lincoln, NE 68509-8920

Re: Village of Ulysses/Marge Schneider/Open Meetings Complaint

Dear Ms. Hart:

I am the Village Attorney for the Village of Ulysses, Nebraska. Your letter of July 23, 2012 addressed to Mr. Les Wilson, Chairman of the Board of Trustees, has been directed to me for response.

At the outset it should be pointed out that Marge Schneider is a former Village Board member having served in that capacity for 12 years, possible longer. At the July Village Board meeting, one of the current Village Board members brought up the issue of persons in the community having dozens of cats in their residence and causing problems for their neighbors. The Board wanted to consider an ordinance requiring persons to license their cats similar to the requirements for licensing dogs. Since I was at that meeting, I discouraged the matter of licensing cats but did point out to the Village Board that it did have a current ordinance dealing with the operation of kennels, which also applied to cats. The Clerk was directed to send a letter about the kennel requirements to Marge Schneider who was the person having the cats on her property. I enclose a copy of the letter and ordinance sent to Marge Schneider on July 11, 2012. According to the Village Clerk this letter was sent by certified mail, but Marge has not picked up the letter, but was however informed that it was sent by someone who attended the July board meeting.

Now, I will address the issues raised in Marge Schneider's two letters, which can be summarized as follows:

1. A quorum of Board members meeting outside of the regularly-scheduled meetings.
2. Unauthorized purchase of a pickup.
3. Transfer of highway allocation monies to the general fund.
4. The Board does not have the best interest of the people in mind when making decisions.

Issue Number One. On August 21, 2008 I sent to each Village Board member, including Marge Schneider, a memorandum and copy of the Nebraska Open Meetings Law Act and told each board member that they need to be thoroughly familiar with the Open Meetings Law Act while serving on the board. The Village has 174 residents and Ken Miller and Sandra Nelson are two of the Village Board members. Ken Miller is married to Sandy Nelson's husbands' sister. I am

sure that those two families socialize, but the board has been advised that in social situations where a quorum is present that they are not to discuss Village business.

Issue Number Two. There was an issue with the purchase of the used 1990 Dodge Pick-up which was initially not properly handled correctly. The Village had a 1983 Chevrolet Pick-up worth approximately \$500.00 and the general consensus of the board prior to October of 2011, was that the pick-up needed to be upgraded. A former employee of the Village, Harlan Nelson, spouse of current board member Sandy Nelson, had offered to sell his 1990 Dodge Pick-up to the Village for the sum of \$2,000.00 plus a trade in of the 1983 Chevrolet Pick-up. This transaction was authorized by the Mayor outside of a regular Village Board meeting. One member of the Village board was adamantly opposed to this transaction so after learning of the situation, I advised the board to call a special meeting and to place the matter of the purchase of the pick-up and trade in of the 1983 Chevy on the agenda. As you can see by the minutes of the October 24, 2011 meeting, the Village board approved the transaction on a 3-1 vote with Sandy Nelson abstaining.

Issue Number Three. The Village Board has hired Duane Gabriel, CPA from Seward, Nebraska to do its annual audit and preparation of budgets which are required to be filed with the State Auditor's office. Mr. Gabriel did advise after checking with the State Auditor's office to make a one-time transfer of Highway Allocation funds to the General Funds because some purchases for street improvements were paid for by the General Fund. Any further documentation or questions regarding this transaction should be directed to Mr. Gabriel.

Issue Number Four. I represent about a half a dozen Cities and Villages in Polk, Butler, and Merrick counties and the Village of Ulysses is the smallest community. Despite the fact of its small population, there are more citizens who attend the Ulysses Village Board meetings than any of my other communities combined. It seems to me that everyone in this community has an agenda of their own and I believe that Marge Schneider's last issue is best left to the political process. If people do not like the decisions that are being made, they are certainly free to file for office and get elected.

If you have any additional questions, please do not hesitate to contact me.

I am

Very truly yours,


James E. Papik

JEP/c

**Village of Ulysses
Ulysses, Nebraska**

7-11-12

**Marge and Gene Schneider
225 N 4th St
P.O. Box 246
Ulysses, NE 68669**

Dear Marge and Gene,

It has been brought to the attention of the board that you are in violation of Article 3 Ordinance #2-301-304 Kennels, due to the number of cats at your property.

Enclosed is a copy of the ordinances and Application for operation of a kennel.

If you have questions you may call Les Wilson/Board Chairman at 402-549-2722.

**Village of Ulysses
Jeanine Wasser/ Village Clerk**

ARTICLE III - KENNELS

SECTION 2-301: KENNELS; DEFINED

"Kennel" is defined for this article as any lot or parcel of land or place where more than three dogs or more than three cats over the age of 6 months are confined, treated, boarded, housed or cared for, and shall include any lot or parcel of land or place where a person, corporation or other entity engages in, conducts, manages or maintains a veterinary business, regardless of the number of animals treated, kept, confined or boarded.

SECTION 2-302: UNLICENSED KENNELS; NUISANCE

It is hereby declared that it is unlawful and shall be a nuisance for any person, corporation, partnership or other entity to maintain, keep, conduct or operate any kennel within the zoning limits of the Village without first obtaining a license therefor.

SECTION 2-303: KENNEL LICENSE

Any person or legal entity seeking a kennel license shall make written application to the Village Board. Such application shall state in detail the type, number and gender of animals to be held in such kennel, describe the kennel facility in detail and provide such other information as may be required by the Village Board. Such application shall also have attached thereto the consent of all property owners or occupants of lands or lots adjoining the land upon which the proposed kennel is to be located. In the event that the Village Board determines that such kennel would not constitute a nuisance, it shall issue such license on such terms and conditions as it deems appropriate. Such license shall be on an annual basis and may be revoked after notice and hearing for violation of any term or condition of the issuance of the license. The annual license fee shall be \$100.00 and the license shall not be issued until such fee is paid.

SECTION 2-304: KENNEL REGULATIONS

Every place used as a kennel shall be kept in a clean and sanitary condition and no refuse or waste material shall be allowed to remain thereon for more than 24 hours. All animals shall be humanely treated, and any animal having any disease shall be properly isolated and treated.