

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
MARCH 24, 2016, 7:30 P.M.**

A Regular Meeting of the Elm Creek Village Board of Trustees was convened in open and public session at the Elm Creek Village Center, 535 W. Boyd Avenue, Elm Creek, Nebraska at 7:30 p.m. on March 24, 2016. Advance Notice of this meeting was given in advance thereof by posting of Notice in three public places within the Village and publication in the Beacon Observer, as shown in the Certificate of Posting affixed to these minutes. Advance Notice was simultaneously given to the Chairman and all members of the Board of Trustees and their acknowledgment of receipt of Notice and the agenda are affixed to these minutes. Chairman Jim Gunderson called the meeting to order at 7:30 p.m. by calling for the roll with the following members responding: Davis Miner, Jim Gunderson, Cory Halliwell, Kathy Labs and Gary Brouillette. Absent: none. Jim announced that the Open Meeting Laws were in the hallway leading to the meeting room for the public's inspection.

CONSENT AGENDA

It was moved by Jim and seconded by Cory to approve the Consent Agenda consisting of the minutes of the Regular Meeting on February 24, 2016 and approval of the Claims for the month of March 2016 in the amount of \$62,783.73. Ayes: Jim, Davis, Cory, Kathy and Gary. Nays: none. The motion carried.

DEPARTMENT REPORTS

EMPLOYEE REPORTS: Jim spoke with Clint prior to tonight's meeting regarding the bathrooms in the park. Clint has been getting bids and estimates it will cost approximately \$25,000 to add the bathrooms to the southwest side of the park. Also mentioned, Lacey Ahrens with Relay for Life will be putting up flyers in the downtown businesses and hanging purple ribbons on the light posts to raise awareness for Relay for Life coming up June 10th in Kearney.

SHERIFF'S REPORT: Captain Bob reported for the Sheriff's Department. There was minimal activity this month.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Steve Martin – Buffalo Stampede

Steve Martin was present to discuss the Fireworks for Buffalo Stampede Weekend. They would like to have the fireworks on Friday again this year and would like to increase the amount to \$3,000.00 to put towards the fireworks. A motion by Jim and seconded by Gary to approve \$3,000.00 out of the Keno Fund for the fireworks display. Ayes: Jim, Davis, Cory, Kathy and Gary. Nays: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Greg Brauer – Storage Building

Greg Brauer was present at the meeting to discuss putting up a metal storage building on his property located at 810 N Church Street. The issue with his property is that he owns 2 lots that are in 2 separate subdivisions, Parkview and Country Side Acres. According to the covenants for each subdivision, it states that 'No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling.' Greg's house is situated on the lot in the Parkview Subdivision. The building he wants to erect he wants to put on the lot under the Country Side Acres Subdivision. Luke Deaver explained that the covenants for the subdivisions would not allow the building on his lot under the Country Side Acres Covenant. He would

need a building permit from the Village to be within village codes on the setbacks. Greg's risk would be his neighbors as it would fall under the covenants which won't allow for the building to be put on the Country Side Acres lot. He would need written permission from his neighbors to make an exception to the covenants. He would also need to find his property pins or have the lots surveyed. No action taken.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Pool Employees

Amber Taylor was present to discuss with the board the 2016 pool season and the hiring of the lifeguards. Amber mentioned that the lifeguards will need to be recertified and the cost is \$35. The board decided the village would pay the \$35 to have them certified through Amber. If they choose to be certified somewhere else, they would only be reimbursed the \$35. It was moved by Jim and seconded by Davis to hire Amber Taylor as the Pool Manager at \$15/hr and to hire Sharlene Gronewold and Lindsey McCarter as the Assistant Managers at \$12/hr for the season. The lifeguards hired at \$9/hr are: Audrey Worthing, Nate Fields, Jerry Brumels, Maria Klingelhoef, Faith Gunderson, Darrin Hunt, Kinzy Enochs, Claire Cornell, Wyatt Hubbard, Sidney Enochs and Sarah Bluschke. Ayes: Gary, Cory, Davis and Kathy. Abstain: Jim. Nays: none.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Web Maintenance/Retainer Agreement

A motion was made by Jim and seconded by Gary to approve the Web Maintenance/Retainer Agreement with Ashley Cameron Design for \$250/year. Ayes: Jim, Davis, Cory, Kathy and Gary. Nays: none. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Model Ordinances

Jim introduced each Ordinance by title:

Ordinance No. 2016-01 AN ORDINANCE RELATING TO ABATEMENT OF NUISANCES; CLARIFYING LANGUAGE RELATING TO COSTS OF ABATEMENT BEING COLLECTED AS A SPECIAL ASSESSMENT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-02 AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; REVISING PROVISIONS RELATING TO LOCATION OF RETAIL ESTABLISHMENTS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-04 AN ORDINANCE RELATING TO PROPERTY OFFENSES; TO RAISE THE THRESHOLD DOLLAR AMOUNT FOR THE OFFENSE OF CRIMINAL MISCHIEF; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-05 AN ORDINANCE RELATING TO ANIMALS; TO RAISE THE STATE DOG LICENSE FEE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-06 AN ORDINANCE RELATING TO SNOW, ICE AND OTHER ENCROACHMENTS; CLARIFYING LANGUAGE RELATING TO COSTS OF REMOVAL BEING COLLECTED AS A SPECIAL ASSESSMENT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-07 AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; TO APPLY KEG SALES REGULATIONS TO LARGE VOLUME SALES OF ALCOHOL; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-08 AN ORDINANCE RELATING TO MOTOR VEHICLES; TO REVISE THE DEFINITION OF MOTOR VEHICLES TO EXCLUDE BICYCLES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-09 AN ORDINANCE RELATING TO REGULATING OBSTRUCTIONS IN PUBLIC WAYS; CLARIFYING THAT REMOVAL MAY BE DONE AT THE EXPENSE OF THE MUNICIPALITY OR THE PERSON PLACING THEM THERE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-10 AN ORDINANCE RELATING TO PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING; REVISING LANGUAGE REGARDING UNDER WHAT CIRCUMSTANCES THE MUNICIPALITY IS CONSIDERED A PUBLIC SERVICE PROVIDER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-11 AN ORDINANCE RELATING TO ELECTIONS; TO REVISE PROVISIONS REGARDING RECALL PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-12 AN ORDINANCE RELATING TO FINANCE AND REVISIONS OF BUDGETS; TO PROVIDE THAT THE HEARING REQUIREMENT DOES NOT APPLY EMERGENCY EXPENDITURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-13 AN ORDINANCE RELATING TO DEAD OR DISEASED TREES; EXTENDING AUTHORITY TO ABATE THEM WITHIN THE ONE-MILE ZONING JURISDICTION; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-14 AN ORDINANCE RELATING TO ELECTED OFFICIALS; TO REVISE PROVISIONS REGARDING VACANCIES IN OFFICE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-15 AN ORDINANCE RELATING TO THE BOARD OF TRUSTEES; TO PROVIDE FOR THE EXERCISE OF CERTAIN POWERS WITHIN THE VILLAGE'S ONE-MILE JURISDICTION; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2016-16 AN ORDINANCE RELATING TO WEEDS, LITTER AND STAGNANT WATER; EXTENDING AUTHORITY TO REGULATE AND ABATE THEM WITHIN THE ONE-MILE ZONING JURISDICTION; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

It was moved by Jim and seconded by Kathy to suspend the statutory rule requiring that an Ordinance be read at three separate meetings, so that Ordinance No. 2016-01 through 2016-16 might be introduced, read by title, and moved for passage at the same meeting. Ayes: Gary, Cory, Davis, Kathy, and Jim. Nays: none. The motion carried. It was then called as to the question of passage of Ordinance No.'s 2016-01 through 2016-16. It was moved by Jim and seconded by Kathy to adopt Ordinance No.'s 2016-01 through 2016-16 as ordinances of the Village of Elm Creek, Nebraska. Ayes: Cory, Davis, Gary, Jim and Kathy. Nays: None.

Whereupon, the motion carried and Ordinances 2016-01 through 2016-16 are duly passed as Ordinances of the Village of Elm Creek, Nebraska. Copies of these ordinances, as published in pamphlet

form, are available to the public at the Office of the Village Clerk at 535 W Boyd Ave, Elm Creek, Nebraska.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Trading Lawn Mowers

At the November 2015 meeting the board had approved the trading of a lawn mower with Stadler Implement. Carl with Stadler Implement contacted Clint to let him know he could not get that specific one but had one comparable that would cost a little more. A motion was made by Jim and seconded by Gary to trade in the old and purchase the new mower for the price of \$10,901.00 from Stadler Implement. Ayes: Jim, Davis, Cory, Kathy and Gary. Nays: none. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Special Assessments

A date has been set for June 2, 2016 at 7pm for a Special Meeting regarding the Special Assessments.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Executive Session

It was moved by Jim and seconded by Davis to go into Executive Session at 9:38pm to discuss insurance. Ayes: Jim, Davis, Cory, Kathy and Gary. Nays: none. The motion carried. It was moved by Jim and seconded by Cory to come out of Executive Session at 10:25pm. Ayes: Jim, Davis, Cory, Kathy and Gary. Nays: none. The motion carried.

AGENDA ITEM #6: Adjournment

All agenda items having been considered, it was moved by Davis and seconded by Cory to adjourn this Regular Meeting. Ayes: Jim, Davis, Gary, Kathy and Cory. Nays: none. The motion carried and the meeting was adjourned at 10:27 p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)