

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
MAY 24, 2018, 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 May 24, 2018. 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: Jim Gunderson, Tanner Tool, Davis Miner, and Mike Brown. Absent: Cory Halliwell. 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 Davis to approve the Consent Agenda consisting of the minutes of the Regular Meeting on April 26, 2018 and approval of the Claims for the month of May 2018 in the amount of \$90,339.05. Ayes: Jim, Tanner, Mike, Davis. Nays: None. The motion carried.

DEPARTMENT REPORTS

EMPLOYEE REPORTS: Clint reported the lagoon pump is up and running today. Thought maybe it had a lightning strike and may need more repairs. Board told Clint that if the cost to repair is high that he needs to contact Jan Hinrichsen to see if it is covered under our insurance. Clint has called 3 different businesses regarding the crushed concrete at the lagoons and can't get anyone here to do it. May have to look into renting equipment and doing it ourselves. Doug Hild with the Elm Creek Fire Department to update the issues with their radios and the interference from our well alarm. Doug said it is just the Buffalo County Fire Radios that are affected and has been going on for approximately 6 months. The fire department has done everything they can to research the issue. They cannot change their frequencies as it is through Buffalo County. If there are fire calls, the fire department is unable to use their radios to talk to each other and have to resort to using their personal cell phones when there is a fire call or emergency. Bill Simmerman with Municipal Automation & Control provided a letter to the Board with the best option to resolve the Radio interference issue. It would require the Village to change the Frequency of our Water System Radios. He estimated the cost should not exceed \$1,000.00. It was moved by Tanner and seconded by Mike to approve Municipal Automation & Control to update the frequency of our water system radios not to exceed \$1,000.00. Ayes: Jim, Tanner, Mike, Davis. Nays: None. The motion carried.

SHERIFF'S REPORT: Officer Ristine to report for Buffalo County Sheriff's Office. He reported that they had recovered a stolen trailer and other stolen property from a residence in town. He wanted to know from the board when they should start enforcing the new trailer ordinance and the board said June 1st.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Water Tower Maintenance Program

Brandon VanderMey with Maguire Iron presented to the Village Board the Water Tower Maintenance Program they offer. Maguire Iron builds water towers and maintains them for communities. They have been doing this for 103 years. Maguire Iron built Elm Creek's water tower in 1992 and then recoated it

in 2017. Typical lifespan of a paint job is approximately 15 years. The Water Tower Maintenance Program is an agreement the village would enter into with Maguire Iron and would be maintained by Maguire Iron. The village would pay a set amount monthly to Maguire Iron. The Village can cancel the agreement at anytime but whatever money the village has paid to Maguire Iron, the village would not get back. Maguire would come out yearly and do inspections and any necessary touch-ups. If touch-ups were required, the village would be required to pay \$525/hour. Every 3 years, Maguire Iron would do a full inspection (full clean out- tank drained). This would cost approximately \$2,000. The board has a couple months to make a decision and would like to table this item until the June meeting.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Circle T Bar & Grill to request Buffalo Stampede Street Dance on Saturday, August 18th

Eric Tappan with Circle T Bar & Grill to request permission from the village board to have a street dance on Saturday, August 18th. They are requesting to have a ½ block area cordoned off to serve alcohol located in front of Circle T Bar & Grill as they have done in years past. They will keep it similar to the previous years and the street dance hours would be from 9pm to 1am. Eric would like the alley closed off around 4pm at the northeast side of the bar. Eric will check again with Kurt Foster to make sure there are no expected deliveries to the store. Eric will also let the tenants above the insurance agency aware of the street dance. It was moved by Jim and seconded by Tanner to allow Circle T Bar & Grill to have their street dance as they have done in past years for Saturday, August 18th. Ayes: Jim, Davis, Mike and Tanner. Nays: none. The motion carried.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Rick Bauer to request Car Show & Shine Buffalo Stampede

Tabled to the June meeting.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Strong Place Administrative Subdivision

Tanner introduced Ordinance by Title and designated it as Ordinance Number 2018-5:

ORDINANCE NO. 2018-5

AN ORDINANCE OF THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA RELATING TO THE VACATION OF REAL ESTATE WITHIN THE MEADS ADDITION TO THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA.

BE IT ORDAINED BY THE CHAIRPERSON OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA.

Section 1. THAT the Village of Elm, Creek, Nebraska hereby vacates the following real property (as defined in NEB.REV.STAT. §76-201):

Lot Nine (9) and Lot Ten (10), Block Two (2), Meads Addition, an addition to the Village of Elm Creek, Buffalo County, Nebraska, located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section Twenty-Eight (28), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Section 2. THAT the vacation of said property is expedient for the public good, and is in the best interests of the Village.

Section 3. THAT the Ordinance shall take effect and be in full force after its passage, approval and publication or posting as may be required by law.

PASSED AND APPROVED this 24th day of May, 2018.

VILLAGE OF ELM CREEK:

Jim Gunderson, Chairman

ATTEST:

Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Jim to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2018-5 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Jim, Mike, Tanner, and Davis. Nays: none. The motion carried.

It was called to question as to the adopting Ordinance No. 2018-5. It was moved by Tanner and seconded by Jim to adopt Ordinance No. 2018-5 relating to the vacation of real estate within the Meads Addition. Ayes: Jim, Tanner, Mike, and Davis. Nays: none. The motion carried and Ordinance No. 2018-5 is duly adopted by the Village of Elm Creek, Nebraska.

Tanner then introduced and read in full Resolution No. 2018-2:

RESOLUTION NO. 2018-2

BE IT RESOLVED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA:

That the plat of "STRONG PLACE ADMINISTRATIVE SUBDIVISION" an administrative subdivision to the Village of Elm Creek, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered, filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said administrative subdivision is hereby included within the corporate limits of said Village and shall be and is a part of said Village for all purposes whatsoever, and the inhabitants of such administrative subdivision shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said Village.

PASSED AND APPROVED this 24th day of May, 2018.

VILLAGE OF ELM CREEK:

Jim Gunderson, Chairman

ATTEST:

Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Jim to approve Resolution No. 2018-2. Ayes: Jim, Mike, Davis and Tanner. Nays: none. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Elm Creek Youth Football

Tabled

AGENDA ITEM #6: DISCUSSION/ACTION RE: Insurance Proposals

Jan Hinrichsen with Elm Creek Insurance Agency provided the board the insurance renewals. Along with Jan were Jeff and Dale, underwriters for EMC Insurance. The total annual premium renewal is \$39,209.00 for 2018-2019. Jan reported that in the past 11 years EMC has paid Dividends back to the Village totaling \$22,234.00. She provided a breakdown of the coverages and premiums for the board to review. Jan then turned it over to the underwriters who reported to the board that EMC has been writing our Village insurance since 1986. They also pointed out that EMC is the #1 writer of insurance for more that 40% of the cities and villages in Nebraska. He reiterated what Jan had said that they have paid back \$22,234.00 in dividends to the village in the last 11 years. After reviewing the insurance proposed, Tanner asked if they could run the numbers and see how much the village could save by making some changes to our deductibles on property, vehicles and umbrella. They will run the numbers and give the board some options to review at the June meeting. In the meantime, the board decided to go ahead and make a motion tonight regarding the insurance. It was moved by Jim and seconded by Tanner to approve the EMC Renewal for \$39,209.00 with Elm Creek Insurance Agency. Ayes: Jim, Mike, Davis and Tanner. Nays: none. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Model Ordinances

American Legal provides to the Village Model Ordinances from the League of Nebraska Municipalities passed in 2017 for our review and to be adopted and updated in our code books to harmonize with Nebraska state law. Ordinances 2018-6 through 2018-19 were reviewed by Taylor L'Heureux, Village Attorney, and there are 3 that did not pertain to the village and would not need to be adopted (2018-9, 2018-11 & 2018-15).

ORDINANCES 2018-6 THROUGH 2018-19:

1. **Ordinance No. 2018-6** AN ORDINANCE RELATING TO UNATTENDED VEHICLES; ADDING EXCEPTION FOR LOCKING IGNITION FOR VEHICLES WHICH ARE EQUIPED WITH MOTOR STARTERS THAT MAY BE ACTUATED WITHOUT A KEY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

2. **Ordinance No. 2018-7** AN ORDINANCE RELATING TO WEEDS, LITTER AND STAGNANT WATER; CLARIFYING EXTRATERRITORIAL JURISDICTION TO ENFORCE REGULATIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
3. **Ordinance No. 2018-8** AN ORDINANCE RELATING TO THE SALE OR CONVEYANCE OF REAL PROPERTY; TO UPDATE LANGUAGE REGARDING REMONSTRANCE AND PETITION; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
4. **Ordinance No. 2018-9** AN ORDINANCE RELATING TO ARREST AND CONFINEMENT; TO CLARIFY THAT CONFINEMENT MAY BE IN THE COUNTY JAIL OR OTHER PLACE OF CONFINEMENT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
5. **Ordinance No. 2018-10** AN ORDINANCE RELATING TO THE PLANNING COMMISSION; REMOVING PROHIBITION AGAINST PLANNING COMMISSIONERS NOT HOLDING OTHER OFFICES AND SPECIFYING CERTAIN OFFICES THEY CANNOT HOLD; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
6. **Ordinance No. 2018-11** AN ORDINANCE RELATING TO PUBLIC AIRPORTS AND PROPERTY TAXES; TO HARMONIZE WITH STATE LAW BY CHANGING DEPARTMENT OF AERONAUTICS TO DIVISION OF AERONAUTICS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
7. **Ordinance No. 2018-12** AN ORDINANCE RELATING TO CONTRACTS AND BIDDING; CHANGING PUBLICATION REQUIREMENT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
8. **Ordinance No. 2018-13** AN ORDINANCE RELATING TO DELINQUENT TAXES; ADDING PROVISION ABOUT THE FEDERAL PRIME RATE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
9. **Ordinance No. 2018-14** AN ORDINANCE RELATING TO BUDGET HEARING NOTICE; CHANGING BUDGET HEARING NOTICE PROVISIONS FROM FIVE TO FOUR CALENDAR DAYS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
10. **Ordinance No. 2018-15** AN ORDINANCE RELATING TO ENFORCEMENT AUTHORITY OF MAYOR WITHIN EXTRATERRITORIAL JURISDICTION; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
11. **Ordinance No. 2018-16** AN ORDINANCE RELATING TO STREET, ALLEY AND MALL IMPROVEMENTS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
12. **Ordinance No. 2018-17** AN ORDINANCE RELATIG TO PUBLICATION REQUIREMENTS FOR ORDINANCES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

13. **Ordinance No. 2018-18** AN ORDINANCE RELATING TO NOTICE PUBLICATION REQUIREMENTS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
14. **Ordinance No. 2018-19** AN ORDINANCE RELATING TO TRAFFIC REGULATIONS; CHANGING DEPARTMENT OF ROADS TO DEPARTMENT OF TRANSPORTATION; 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 Tanner to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2018-6 through 2018-19, with the exception of Ordinances 2018-9, 2018-11 & 2018-15, might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Jim, Mike, Tanner, and Davis. Nays: none. The motion carried.

It was called to question as to the adopting Ordinance No. 2018-6 through 2018-19, with the exception of 2018-9, 2018-11 & 2018-15. It was moved by Jim and seconded by Tanner to adopt Ordinance No. 2018-6 through 2018-19, with the exception of 2018-9, 2018-11 & 2018-15. Nays: none. The motion carried and Ordinances duly adopted by the Village of Elm Creek, Nebraska.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Graczyk Lawn & Landscape to spray weeds

It was discussed to have Graczyk Lawn & Landscape to spray weeds at the park and ball fields. The first application would be in the spring and the second application in the fall. It would cost \$950.00 per application. It was moved by Jim and seconded by Mike to have Graczyk Lawn and Landscape spray weeds in the spring and summer at \$950.00/application. Ayes: Jim, Mike, Tanner, and Davis. Nays: none. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Purchase Garbage Carts

Clint is still looking into this as they no longer make the ones we had been purchasing.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Banners

Mike spoke with Hillary Schlecht about some assistance on some designs for the banner. Item will be tabled to the June meeting.

AGENDA ITEM #11: DISCUSSION/ACTION RE: Lift Station

The north lift station does not have a grinder and Clint continuously has to unclog or make repairs to it. Clint has a quote from Johnson Service Company for a Muffin Monster Grinder for \$60,800 to be installed at the North Lift Station. Clint has an additional quote from Municipal Automation & Control to update the Control Panel at the North Lift Station for \$5,992 plus applicable taxes and the option to include a Radio Panel to connect to the City Office for an additional \$4,296.00 plus applicable taxes. It was moved by Tanner and seconded by Davis to approve the purchase from Johnson Service Company for \$60,800.00 for installation and work done at the north lift station. Ayes: Jim, Mike, Davis and Tanner. Nays: none. The motion carried. It was moved by Mike and seconded by Tanner to approve the purchase from Municipal Automation & Control for a total not to exceed \$10,288 plus applicable tax to update the Control Panel and Connect Radio Panel to the office. Ayes: Jim, Mike, Davis and Tanner. Nays: none. The motion carried.

AGENDA ITEM #12: DISCUSSION/ACTION RE: Wheel Loader

After some discussion, it was decided to have Clint look into renting one and testing it out to see how much it would get used and Clint is to make a list of everything he would use it for before the board would consider purchasing one.

AGENDA ITEM #13: DISCUSSION/ACTION RE: Executive Session

It was moved by Jim and seconded by Davis to go into executive session at 9:26pm to discuss water maintenance program. Ayes: Jim, Tanner, Davis, Mike. Nays: none. The motion carried. It was moved by Jim and seconded by Davis to come out of executive session at 9:46pm. Ayes: Jim, Mike, Tanner, Davis. Nays: none. The motion carried.

AGENDA ITEM #14: Adjournment

All agenda items having been considered, it was moved by Tanner and seconded by Mike to adjourn this Regular Meeting. Ayes: Jim, Mike, Tanner, Davis. Nays: none. The motion carried and the meeting was adjourned at 9:52p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)