

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
APRIL 24, 2019, 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 April 24, 2019. 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. Tanner Tool called the meeting to order at 7:30 p.m. by calling for the roll with the following members responding: Kyle Lawrence, Davis Miner, Cory Halliwell, Tanner Tool and Mike Brown. Absent: none. Tanner 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 Tanner and seconded by Davis to approve the Consent Agenda consisting of the minutes of the Regular Meeting on March 28, 2019 and approval of the Claims for the month of April 2019 in the amount of \$56,635.82. Ayes: Kyle, Davis, Cory, Tanner and Mike. Nays: none. The motion carried.

DEPARTMENT REPORTS

EMPLOYEE REPORTS: Clint discussed the need to replace the plastic liner in the dump truck as it has holes in it and the quote he received was for \$880. He would also like to have Steve weld flat plates in it which he did not have a quote for that. Board agreed that it needed to be done and ordered Clint to proceed. Tanner brought up the typewriter in the clerks office is no longer working. Eakes is looking to see if it is repairable or if it will need to be replaced. Board agreed to either repair or replace based on the cost.

SHERIFF'S REPORT: Captain Bob was at the meeting and he informed the board that there is nothing significant to report this month.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: USA Communications Franchise Agreement

It was moved by Tanner and seconded by Cory to approve the Franchise Agreement with USA Communications. Ayes: Cory, Davis, Tanner, Kyle and Mike. Nays: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: SCEDD to Discuss/Score Proposals Received for the Owner Occupied Rehabilitation project – Lead Based Paint Services (Review Score Sheets)

Lori with SCEDD to discuss with the board the scoring of the proposals received for the OOR project on the Lead Based Paint Services. We received one proposal from CDS Inspections and Beyond, Inc. The board provided their score sheets to Lori.

AGENDA ITEM #3: DISCUSSION/ACTION RE: SCEDD to Discuss Proposals Received for the Owner Occupied Rehabilitation project – Housing Administration/Management Services (Review Score Sheets)

Same as the previous agenda item, the board provided Lori with their score sheets for the one proposal from CDS Inspections and Beyond, Inc for the OOR project on the Housing Administration/Management Services.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Action/Approval for selection of a firm to provide Lead Based Paint Services for the City's Owner Occupied Rehabilitation project

It was then moved by Tanner and seconded by Davis to approve the proposal from CDS Inspections and Beyond, Inc for the City's Owner Occupied Rehabilitation project on the Lead Based Paint Services . Ayes: Cory, Davis, Kyle, Tanner and Mike Nays: none. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Action/Approval for selection of a firm to provide Housing Management Services for the City's Owner Occupied Rehabilitation project

It was then moved by Tanner and seconded by Davis to approve the proposal from CDS Inspections and Beyond, Inc for the City's Owner Occupied Rehabilitation project on the Housing Management Services . Ayes: Cory, Davis, Kyle, Tanner and Mike Nays: none. The motion carried.

AGENDA ITEM #6: DISCUSSION/ACTION RE: American Legion request for a Bench & Light at the Memorial

It was moved by Tanner and seconded by Mike to approve the request from the American Legion for a Memorial bench and light at the Veteran's Memorial by the Library. Ayes: Kyle, Davis, Cory, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Jet Vac culverts along highway 30

It was moved by Tanner and seconded by Davis to approve Johnson Service Company to Jet Vac culverts along highway 30 in the amount of \$4,250.00. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: NPPD Franchise Agreement

It was moved by Tanner and seconded by Mike to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2019-11 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Kyle, Mike, Cory, Tanner, and Davis. Nays: none. The motion carried.

ORDINANCE 2019-11

An Ordinance granting to the Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska, its successors and assigns, the non-exclusive right and franchise for a period of twenty-five (25) years to erect, operate and maintain an electric light and power system in the Village of Elm Creek for the purpose of furnishing electric energy to said Village of Elm Creek and the inhabitants thereof; limiting the maximum charges for such energy; providing certain regulations with reference thereto; and all things incidental to the purposes thereof; repealing all ordinances and parts of ordinances in conflict therewith; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA:

Section 1. The Village of Elm Creek, a municipal corporation, hereby grants unto the Nebraska Public Power District, its successors and assigns, the non-exclusive right and franchise for a period of twenty-five (25) years to erect, operate and maintain within said Village of Elm Creek an electric light and power system; and the right to construct, operate and maintain poles, conduits, wires and other necessary equipment, in , over, across or under the streets, alleys and public places in said Village of Elm Creek for the purpose of supplying

electric energy to said Village of Elm Creek and its inhabitants, or to other cities, villages and communities and their inhabitants, or to others connected or to be connected to said system.

Section 2. Nebraska Public Power District shall have the authority to trim trees upon and overhanging the streets, alleys and public places of the Village of Elm Creek so as to prevent the branches of such trees from coming in contact with or endangering said electric light and power system.

Section 3. Nebraska Public Power District is hereby authorized to charge, collect and receive a reasonable compensation for electricity furnished to the Village of Elm Creek and its inhabitants, and establish terms and conditions for such service, in accordance with the provisions of Chapter 70 of the Revised Nebraska Statute, as amended, empowering a public power district to set and collect reasonable charges for its services and to establish rules and regulations for the conduct of its business and affairs.

Section 4. This Ordinance shall be published in accordance with laws of the State of Nebraska.

Section 5. This Ordinance shall be effective from and after its passage, approval, publication and written acceptance hereof by Nebraska Public Power District.

Section 6. All ordinances and parts of ordinances in conflict with the provisions hereof are hereby repealed.

Passed, adopted and approved this 24th day of April, 2019.

ATTEST:

Village of Elm Creek, Nebraska

Clerk
(SEAL)

By _____
Chairman

It was called to question as to the adopting Ordinance No. 2019-11. It was moved by Tanner and seconded by Kyle to adopt Ordinance No. 2019-11. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried and Ordinance duly adopted by the Village of Elm Creek, Nebraska.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Fence at Library
Tabled.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Hiring of Summer Help
It was moved by Tanner and seconded by Davis to approve the hiring of Wyatt Myers at a rate of \$11.00/hour for summer help. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #11: DISCUSSION/ACTION RE: Tennis Courts
It was moved by Tanner and seconded by Mike to put out for bids for resurfacing half the tennis courts for a multi-court sport system. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #12: DISCUSSION/ACTION RE: Web Maintenance/Retainer Renewal with Ashley Cameron Web Design

It was moved by Davis and seconded by Cory to approve the renewal of the web maintenance retainer with Ashley Cameron Web Design for \$300.00. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #13: DISCUSSION/ACTION RE: Building Permit Process

Tabled to get more information from other communities and their process.

AGENDA ITEM #14: DISCUSSION/ACTION RE: Resolution of Approval; Final Plat for Reichert Commercial Addition

Tabled

AGENDA ITEM #15: DISCUSSION/ACTION RE: Reichert Commercial Addition Application for Change in Zoning

It was moved by Tanner and seconded by Cory to approve the Reichert Commercial Addition Application for Change in Zoning from R-3 (High Density Residential) to C-2 (General Commercial). Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #16: DISCUSSION/ACTION RE: Design Utility Layout for Reichert Commercial Addition

Lance Harter with Oak Creek Engineering had looked at a route for the water and sewer lines but the village will need an easement. The board needs to continue talks with a couple of the property owners to secure an easement with Jeff and Marvion. Talks are pending and will hopefully have the easements secured in the next week. No action taken.

AGENDA ITEM #17: DISCUSSION/ACTION RE: Oak Creek Engineering Agreement for Utility Work

It was moved by Tanner and seconded by Kyle to approve Oak Creek Engineering to design the utility layout for the Reichert Commercial Addition. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #18: DISCUSSION/ACTION RE: Option to Purchase Agreement

It was moved by Tanner and seconded by Davis to go into executive session at 9:28pm to discuss legal matters and personnel matters. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried. It was moved by Tanner and seconded by Mike to come out of executive session at 10:38pm. Ayes: Kyle, Davis, Cory, Tanner and Mike. Nays: none. The motion carried. It was moved by Tanner and seconded by Davis to approve the Options to Purchase Agreement. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #19: DISCUSSION/ACTION RE: 90 Day Employee Reviews and Employee Wage Set 1) Clint Carr and 2) Devon Eschliman

It was moved by Tanner and seconded by Kyle to set the wages as follows. Clint Carr to receive a \$0.50/hour cost of living raise effective the next pay period. Devon Eschliman to receive a \$0.50/hour cost of living raise effective the next pay period and when Devon receives his CDL he will receive an additional \$0.50/hour raise. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #20: DISCUSSION/ACTION RE: Dividend Presentation Check

Jan Hinrichsen with Elm Creek Insurance Agency presented to the board a dividend check in the amount of \$5,508.44 from our insurance provider EMC Insurance Company. This is the 18th time in the last 25 years that EMC Insurance has paid a dividend in Nebraska. No action taken.

AGENDA ITEM #21: Adjournment

All agenda items having been considered, it was moved by Mike and seconded by Kyle to adjourn this Regular Meeting. Ayes: Davis, Kyle, Cory, Tanner and Mike. Nays: none. The motion carried and the meeting was adjourned at 10:40p.m.

ATTEST:

Village Clerk

Chairman-Elm Creek Village Board

(SEAL)