

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
SPECIAL MEETING AND PUBLIC HEARING MINUTES
MAY 15, 2019, 7:00P.M.**

A Special 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 7:00 p.m. on May 15, 2019. 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 Tanner Tool called the meeting to order at 7:00p.m. by calling for the roll with the following members responding: Mike Brown, Kyle Lawrence, Tanner Tool, Davis Miner and Cory Halliwell. Absent: none. Tanner announced that the Open Meeting Laws were in the hallway leading to the meeting room for the public's inspection.

AGENDA ITEM #1: Accept resignation of Utility Superintendent

It was moved by Kyle and seconded by Cory to accept the resignation of the Utility Superintendent, Clint Carr, effective May 3rd, 2019. Ayes: Kyle, Tanner, Cory, Davis and Mike. Nays: none. The motion carried.

AGENDA ITEM #2: Oak Creek Engineering Plans for Street Project and set bid opening date

It was moved by Tanner and seconded by Mike to approve design and set bid opening date for June 18th. Ayes: Kyle, Tanner, Cory, Davis and Mike. Nays: none. The motion carried.

AGENDA ITEM #3: Easements

Tabled until next meeting

AGENDA ITEM #4: Resolution of Approval 2019-10; Application for Final Plat for Reichert Commercial Addition

It was moved by Tanner and seconded by Kyle to approve Resolution 2019-10 and Application for Final Plat for Reichert Commercial Addition with Village paying portion of the street beyond what Dollar General is not paying. Ayes: Kyle, Tanner, and Davis. Nays: Cory and Mike. The motion carried. It was moved by Tanner and seconded by Kyle to suspend the statutory rule requiring the reading of Resolution 2019-10 so that it 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.

RESOLUTION NO: 2019-10

BE IT RESOLVED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA: That the plat of REICHERT COMMERCIAL ADDITION, an addition to the Village of Elm Creek, Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Twenty-seven (27), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section 27 and assuming the East line of the Southwest Quarter of the Southwest Quarter of Section 27 as bearing S 00°52'39" E and all bearings contained herein are relative thereto; thence on the East line of the Southwest Quarter of the Southwest Quarter of said Section 27, S 00°52'39" E a distance of 632.38 feet to a point on the North right-of-way line of U.S. Highway No. 30; thence on the North right-of-way line of U.S. Highway No. 30, N 80°50'52" W a distance of 707.51 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the North right-of-way line of U.S. Highway No. 30, N 80°50'52" W a distance of 268.50 feet; thence continuing on the North right-of-way line of U.S. Highway No. 30, S 01°00'57" E a distance of 33.38 feet; thence continuing on the North right-of-way line of U.S. Highway No. 30, N 81°07'15" W a distance of 85.80 feet; thence leaving the North right-of-way line of U.S. Highway No. 30, N 01°06'07" W a distance of 135.08 feet; thence S 88°28'14" E a distance of 12.56 feet; thence N 01°06'07" W a distance of 49.46 feet to a point of curvature; thence on

a 508.0 foot radius curve to the right forming a central angle of 10°07'21" an arc distance of 89.75 feet to a point on a 50.0 foot radius non-tangent curve, concave southerly; thence on said non-tangent curve, in a clockwise direction, forming a central angle of 286°11'05" an arc distance of 249.74 feet to a point on a non-tangent curve, said point bears S 78°43'35" E a chord distance of 60.05 feet from the previously described point; thence southerly on a 448.0 foot radius non-tangent curve to the left forming a central angle of 03°11'52" an arc distance of 25.00 feet to a point of non-tangency, said point bears S 07°07'11" W a chord distance of 25.00 feet from the previously described point; thence leaving said curve, non-tangent, S 80°50'52" E, parallel with the North right-of-way line of U.S. Highway No. 30, a distance of 277.66 feet; thence S 01°06'07" E a distance of 215.50 feet to the place of beginning, containing 1.98 acres, more or less, 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, and hereafter said subdivision shall be and remain a part of the Village of Elm Creek, Nebraska, and shall be included within the corporate limits of said Village and shall be and become a part of said Village for all purposes whatsoever, and the inhabitants of such addition 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 _____ day of _____, 2019.

(S E A L)

(Print Name)
Chairperson of the Village of Elm Creek Board of Trustees

ATTEST: _____
Wendy Clabaugh, City Clerk

AGENDA ITEM #5: Rezoning Ordinance 2019-12

It was moved by Tanner and seconded by Cory to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2019-12 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 NO. 2019-12

AN ORDINANCE OF THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA, CHANGING A CERTAIN ZONING AREA WITHIN THE VILLAGE; PROVIDING FOR CHANGES TO THE ZONING MAP; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA:

SECTION 1. That pursuant to the recommendation of the Elm Creek Planning Commission, the following-described property, to-wit:

A tract of land being part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Twenty-seven (27), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section 27 and assuming the East line of the Southwest Quarter of the Southwest Quarter of Section 27 as bearing S 00°52'39" E and all bearings contained herein are relative thereto; thence on the East line of the Southwest Quarter of the Southwest Quarter of said Section 27, S 00°52'39" E a distance of 632.38 feet to a point on the North right-of-way line of U.S. Highway No. 30; thence on the North right-of-way line of U.S. Highway No. 30, N 80°50'52" W a distance of 707.51 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the North right-of-way line of U.S. Highway No. 30, N 80°50'52" W a distance of 268.50 feet; thence continuing on the North right-of-way line of U.S. Highway No. 30, S 01°00'57" E a distance of 33.38 feet; thence continuing on the North right-of-way line of U.S. Highway No. 30, N 81°07'15" W a distance of 85.80 feet; thence leaving the North right-of-way line of U.S. Highway No. 30, N 01°06'07" W a distance of 135.08 feet; thence S 88°28'14" E a distance of 12.56 feet; thence N 01°06'07" W a distance of 49.46 feet to a point of curvature; thence on a 508.0 foot radius curve to the right forming a central angle of 10°07'21" an arc distance of 89.75 feet to a point on a 50.0 foot radius non-tangent curve, concave southerly; thence on said non-tangent curve, in a clockwise direction, forming a central angle of 286°11'05" an arc distance of 249.74 feet to a point on a non-tangent curve, said point bears S 78°43'35" E a chord distance of 60.05 feet from the previously described point; thence southerly on a 448.0 foot radius non-tangent curve to the left forming a central angle of 03°11'52" an arc distance of 25.00 feet to a point of non-tangency, said point bears S 07°07'11" W a chord distance of 25.00 feet from the previously described point; thence leaving said curve, non-tangent, S 80°50'52" E, parallel with the North right-of-way line of U.S. Highway No. 30, a distance of 277.66 feet; thence S 01°06'07" E a distance of 215.50 feet to the place of beginning. Containing 1.98 acres, more or less, now known as REICHERT COMMERCIAL ADDITION (described hereinafter as "Real Estate")

shall hereinafter be designated as General Commercial District (C-2) subject to the restrictions and limitations stated herein and shall be governed by the General Commercial District regulations of the official Zoning Ordinance of the Village.

SECTION 2. That the Official Zoning Map of the Village of Elm Creek, Nebraska, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

SECTION 4. That any ordinances in conflict herewith are hereby repealed.

Dated this _____ day of May, 2019.

Tanner Tool, Chairman

ATTEST:

Wendy Clabaugh, Village Clerk

It was called to question as to the adopting Ordinance No. 2019-12. It was moved by Tanner and seconded by Cory to adopt Ordinance No. 2019-12. 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 #6: Building Permits

It was moved by Tanner and seconded by Mike to approve JC & Amy Ourada Application for Zoning Permit. Ayes: Kyle, Tanner, Cory, Davis and Mike. Nays: none. The motion carried. The Building Permit for Dick Sullwold has been tabled to next week's meeting.

AGENDA ITEM #7: Summer Help

It was moved by Tanner and seconded by Kyle to go into executive session at 8:14pm to discuss hiring of summer help. Ayes: Kyle, Tanner, Cory, Davis and Mike. Nays: none. The motion carried. It was moved by Tanner and seconded by Mike to come out of executive session at 8:49pm. Ayes: Kyle, Tanner, Cory, Davis and Mike. Nays: none. The motion carried. It was moved by Tanner and seconded by Mike to hire Keaton Trampe and Claire Cornell at \$11.00/hour and to hire Gage Clabaugh, Trey Miner and Blake Egenberger at \$9.00/hour all to start as soon as possible. Ayes: Kyle, Tanner, Cory, and Mike. Abstain: Davis. Nays: none. The motion carried.

AGENDA ITEM #8: Legal Matters – Wendy Stephens

Tabled to next meeting

AGENDA ITEM #9: Adjournment.

All agenda items having been considered, it was moved by Kyle and seconded by Mike to adjourn this Special Meeting. Ayes: Tanner, Cory, Mike, Davis and Kyle. Nays: none. The motion carried and the meeting was adjourned at 8:51pm.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)