

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
PUBLIC HEARING MINUTES
REGULAR MEETING MINUTES
FEBRUARY 24, 2021, 7:30 P.M.**

A Regular Meeting and Public Hearing 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 February 24, 2021. 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 7:32 p.m. by calling for the roll with the following members responding: Kyle Lawrence, Tanner Tool, Davis Miner, Mike Brown and Michael Strong. Absent: none. Tanner announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the east wall of the meeting room.

A motion by Tanner and seconded by Davis to open the Public Hearing on the Substandard and Blight Study-Proposed CRA Area #2 at 7:32PM. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

A motion by Tanner and seconded by Kyle to close the Public Hearing at 7:35PM. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

CONSENT AGENDA

It was moved by Tanner and seconded by Davis to approve the Consent Agenda consisting of the Claims for the month of February 2021 in the amount of \$65,373.75 and to approve the minutes to the regular meeting on January 28, 2021. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

SHERIFF'S REPORT:

Captain Robert Anderson with the Buffalo County Sheriff's Department reported that it was an uneventful January until the tail-end with the weather. They continue to keep an eye on the school with activities and the youth in the area.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Consider and approve of Blight and Substandard Study and adoption of Redevelopment Area #2

Tanner introduced and read in full Resolution #2021-4

RESOLUTION NO. 2021-4

A RESOLUTION OF THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA, DECLARING A CERTAIN AREA OF THE VILLAGE TO BE SUBSTANDARD AND BLIGHTED AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW

WHEREAS, it is necessary, desirable, advisable, and in the best interests of the Village of Elm Creek, Nebraska (the “Village”), for the Village to undertake and carry out redevelopment projects in certain areas of the Village that are determined to be substandard and blighted areas in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, Section 18-2109 of the Act requires that, prior to the preparation by the Community Redevelopment Authority of the Village of a redevelopment plan for a redevelopment project, the Chairman and Board of Trustees shall, by resolution adopted after the public hearings required under said section, declare the area to be a substandard and blighted area in need of redevelopment; and

WHEREAS, the Village has received a Blight and Substandard Determination Study by Marvin Planning Consultants (hereinafter the “Study”), determining that certain real estate described in the Study (hereinafter the “Redevelopment Area”), qualify for declaration by the Village as a substandard and blighted area in need of redevelopment. A true and correct copy of the Study is attached hereto as Exhibit A; and

WHEREAS, the Village submitted to the Planning Commission of the Village (the “Planning Commission”) the question of whether the Redevelopment Area is blighted and substandard for purposes of review and recommendation pursuant to Section 18-2109 of the Act; and

WHEREAS, on January 28, 2021, at 7:00 P.M., the Planning Commission held a public hearing, after providing notice as required by the Act, in the Board of Trustees Chambers for the Village of Elm Creek at the Elm Creek Village Hall, Elm Creek, Nebraska, to determine whether the Redevelopment Area should be declared substandard and blighted; and

WHEREAS, the Planning Commission submitted its written recommendation to the Village that the Redevelopment Area meets the definition of substandard and blighted as set forth in the Act and should be declared a substandard and blighted area in need of redevelopment; and

WHEREAS, on February 24, 2021, at 7:30 P.M., the Chairman and Board of Trustees of the Village held a public hearing (the “Public Hearing”) in the Board of Trustees Chambers for the Village of Elm Creek at the Elm Creek Village Hall, Elm Creek, Nebraska, to determine whether the Redevelopment Area should be declared substandard and blighted as required by the Act; and

WHEREAS, notices of the Public Hearing were published and mailed pursuant to Section 18-2115.01 of the Act and contained information on where to find a map of sufficient size to show the Redevelopment Area and where to find copies of the Study, and

WHEREAS, all interested parties were afforded a reasonable opportunity at the Public Hearing to express their views respecting the proposed declaration of the Redevelopment Area as a substandard and blighted area in need of redevelopment.

WHEREAS, the Chairman and Board of Trustees reviewed and discussed the Study and the recommendations received from the Planning Commission; and

WHEREAS, the Chairman and Board of Trustees desire to determine whether the Redevelopment Area is a substandard and blighted area in need of redevelopment in accordance with the Act.

NOW THEREFORE, BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA AS FOLLOWS:

Section 1. The Redevelopment Area is hereby declared to be a substandard area in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(31) of the Act, as described and set forth in the Study.

Section 2. The Redevelopment Area is hereby further declared to be a blighted area in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(3)(a) of the Act and (b) at least one of the factors set forth in (i) through (v) of Section 18-2103(3)(b) of the Act, as described and set forth in the Study.

Section 3. The substandard and blighted conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the substandard and blighted conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

Section 5. This Resolution shall be published and shall take effect as provided by law.

DATED: February 24, 2021.

VILLAGE OF ELM CREEK, NEBRASKA

By: _____

Chairman

ATTEST:

By: _____

Clerk

[S E A L]

Exhibit A

[Attach Blight and Substandard Study]

It was moved by Tanner and seconded by Michael Strong to approve Resolution #2021-4. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and approve amendments to the Zoning and Subdivision Regulations

The board directed Taylor L’Heureux to draft the Adult Entertainment changes to the zoning codes and have ready for the March meeting. The other zoning items, Industrial and Residential zoning, were tabled to March meeting for further discussion.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Status of Water Meter Project

Lance Harter is in the process of putting the information together and will bring it back to the board at the March meeting. Lance advises having a public comment or open house to the public. He will have an estimated percentage reduction of water usage with meters at the March meeting.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Veterans Memorial – Flag Poles

Tabled.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Appoint New Village Agency Board Member to fill Open Seat

It was moved by Tanner and seconded by Mike Brown to appoint Michael Strong to Village Agency Board.

Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Resolution to remove Stop Signs on Boyd Avenue, eastbound and westbound, at the intersection with McComb Street

No action.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Approve Recycling Trailer Purchase

It was moved by Tanner and seconded by Michael Strong to approve the purchase of a recycling trailer from Pro-Tainer, as presented, Navy Blue with 1 door for paper and 1 door and 1 slot for cardboard, not to exceed \$15,050.00 from the garbage fund. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Remove Suzanne Brodine from all Village Accounts

It was moved by Tanner and seconded by Davis to remove Suzanne Brodine from all village accounts. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Special Assessments

Taylor L'Heureux briefed the board as to our next steps with the special assessments on the sidewalk project that has been recently completed. The village could publish notice in the paper 4 weeks prior to the Special Assessment hearing, or since there is only one property owner involved, the village could provide Mike Mitchell with the Notice of Special Assessment Hearing which will be held on March 25, 2021 at 7:00pm followed by the Village Board regular meeting at 7:30pm.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Citizen request for amending code 72.12 TIME LIMIT

The board instructed village attorney, Taylor L'Heureux, to draft ordinance with the requested changes for the March meeting.

AGENDA ITEM #11: DISCUSSION/ACTION RE: Approve Construction Manager Services for Community Development Block Grant 20PW-002

It was moved by Tanner and seconded by Mike Brown to award Construction Management Administration services for the Community Development Block Grant 20PW-002 to Miller & Associates, not to exceed \$10,000.00. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #12: DISCUSSION/ACTION RE: Consider and Approve Agreement for Engineering Services on the Elm Avenue CDBG project

It was moved by Tanner and seconded by Davis to approve the Agreement for Engineering Services on the Elm Avenue CDBG 20PW-002 Project to Oak Creek Engineering, as presented. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

DEPARTMENT REPORTS

BUILDING PERMITS- none at this time

EMPLOYEE REPORTS- Tanner would like to meet with Scott and Amber next week regarding summer help. The board discussed that they feel Scott could use 2 summer help maintenance employees to help with mowing, trimming and any other summer projects the village would have lined up.

OPEN PUBLIC DISCUSSION –Brian Stone is looking to fill a need for a youth after school program or facility.

It was moved by Tanner and seconded by Kyle to go into Executive Session to discuss Personnel at 9:01PM. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

It was moved by Tanner and seconded by Davis to come out of Executive Session at 9:19PM. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #13: Adjournment

All agenda items having been considered, it was moved by Michael and seconded by Kyle to adjourn this Regular Meeting. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried and the meeting was adjourned at 9:20p.m.

ATTEST:

Village Clerk

Chairman-Elm Creek Village Board

(SEAL)