

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
JULY 26, 2021, 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 July 26, 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 7:30 p.m. by calling for the roll with the following members responding: Tanner Tool, Davis Miner, Mike Brown, Kyle Lawrence 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.

**CONSENT AGENDA**

It was moved by Tanner and seconded by Davis to approve the Consent Agenda consisting of the Claims for the month of July 2021 in the amount of \$166,622.06 and to approve the minutes to the regular meeting on June 24, 2021. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**SHERIFF'S REPORT:**

Captain Bob was in attendance to brief the board with the Sheriff's report. June has been a busy month but good for Elm Creek. The Sheriff's Department has a new road patrol deputy and another to start August 9th. Tanner mentioned a few dates for the Sheriff's Department to keep in mind. August 12<sup>th</sup> school starts, August 20<sup>th</sup> is Stampede weekend and Car Show on August 28<sup>th</sup>.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Consider and approve Rick Bauer request for EC Cruisers Car Show and street closure for Saturday, August 28, 2021**

It was moved by Tanner and seconded by Michael to approve Rick Bauer request for EC Cruisers Car Show and street closure for Saturday, August 28, 2021. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and approve Buffalo Stampede Committee request for Buffalo Stampede Parade Route, Truck Show, BBQ Competition, and Kids Games street closures for Friday, August 20, 2021 and Saturday, August 21, 2021**

It was moved by Davis and seconded by Mike Brown to approve Buffalo Stampede Committee request for Buffalo Stampede Parade Route, Truck Show, BBQ Competition, and Kids Games street closures for Friday, August 20, 2021 and Saturday, August 21, 2021 as proposed by Buffalo Stampede Committee. Ayes: Michael, Davis, Kyle, and Mike. Nays: none. Abstain: Tanner Tool. The motion carried.

**AGENDA ITEM #3: DISCUSSION/ACTION RE: Coons Saloon to request approval of SDL for Buffalo Stampede Street Dance on Saturday, August 21, 2021 through Sunday, August 22, 2021**

It was moved by Tanner and seconded by Davis to approve the issuance of a Special Designated License as requested by Coons' Saloon Saturday, August 21, 2021 through Sunday, August 22, 2021. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #4: DISCUSSION/ACTION RE: Coons Saloon to request approval of street closure for Buffalo Stampede Street Dance for Saturday, August 21, 2021 through Sunday, August 22, 2021**

It was moved by Tanner and seconded by Mike Brown to approve the closure of ½ block of Tyler Street from Highway 30 north to the alley from 8am on Saturday, August 21 to 2am on Sunday, August 22, 2021. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: Consider and Approve request from Noah Hubbard for Buffalo Stampede Firework Display Friday, August 20, 2021**

Tabled to the special meeting on August 19th.

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Status of Water Meter Project**

Tabled.

**AGENDA ITEM #7: DISCUSSION/ACTION RE: Consider and approve Final Pay Application #1 to TL Sund Constructors Inc for \$42,640.75 for the Veterans Memorial Improvements Project #9-M5-8**

It was moved by Tanner and seconded by Davis to approve Final Pay Application #1 to TL Sund Constructors Inc for \$42,640.75 for the Veterans Memorial Improvements Project #9-M5-8. Ayes: Michael, Kyle, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Consider and approve Final Pay Application #4 to Dan Roeder Concrete for the 2020 Bond Street Paving Improvements Project #9-M5-7**

Tabled.

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Consider and approve Final Pay Application to GD Concrete Construction, Inc for the Village Hall ADA Parking Improvements in the amount of \$8,227.00**

It was moved by Tanner and seconded by Kyle to approve Final Pay Application to GD Concrete Construction, Inc for the Village Hall ADA Parking Improvements in the amount of \$8,227.00. Ayes: Michael, Kyle, Davis, Mike, and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #10: DISCUSSION/ACTION RE: Consider and approve Invoice 21-109 from Oak Creek Engineering for professional services on the CDBG Grant 20-PW-002 Elm Avenue Paving Improvements, Easy Street to Becroft Street in the amount of \$15,820.00**

It was moved by Tanner and seconded by Davis to approve Invoice 21-109 from Oak Creek Engineering for professional services on the CDBG Grant 20-PW-002 Elm Avenue Paving Improvements, Easy Street to Becroft Street in the amount of \$15,820.00. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #11: DISCUSSION/ACTION RE: Consider and Approve Ordinance 2021-23 to amend Sections 72.12 Time Limits and 72.15 Removal of Illegally Parked Vehicles**

It was moved by Tanner and seconded by Kyle to suspend the statutory requirements that an ordinance be read on three separate occasions, so that ordinance 2021-23 might be introduced, read by number and called for

passage at the same meeting. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

Tanner introduced Ordinance 2021-23 and read by title:

**ORDINANCE NO. 2021-23**

**AN ORDINANCE RELATING TO PARKING REGULATIONS; TO ALLOW FOR THE PROHIBITING OR FIXING OF A TIME LIMIT FOR THE PARKING AND STOPPING OF VEHICLES ON ANY PUBLIC PARKING AREA; TO RESTRICT THE TIME LIMIT OF PARKING ON ANY PUBLIC PARKING AREA; TO ALLOW FOR THE REMOVAL OF ILLEGALLY PARKED VEHICLES ON PUBLIC PARKING AREAS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.**

It was moved by Tanner and seconded by Michael to adopt Ordinance 2021-23 of the Village of Elm Creek. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #12: DISCUSSION/ACTION RE: Consider and Approve Resolution 2021-7 Authorizing Signage to Restrict Parking for Public Parking Lot**

Tanner introduced Resolution 2021-7 and read in full.

**RESOLUTION NO. 2021-7**

A RESOLUTION OF THE VILLAGE OF ELM CREEK, NEBRASKA PROVIDING FOR THE PLACEMENT OF SIGNAGE REGULATING THE PARKING TIME LIMITS OF A CERTAIN PUBLIC PARKING AREA AND REPEALING ANY RESOLUTIONS IN CONFLICT HEREWITH.

WHEREAS, the Statutes of the State of Nebraska allow municipalities to control and regulate parking within their municipal limits; and

WHEREAS, Elm Creek Municipal Code § 72.12 authorizes the Board of Trustees of the Village of Elm Creek, by resolution, to prohibit or fix a time limit for the parking on public parking areas under the municipality's jurisdiction; and

WHEREAS, the Board of Trustees desires to place signage regulating a certain public parking lot by imposing a parking time limit;

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

SECTION 1: That pursuant to Elm Creek Municipal Code § 72.12(C) "The parking of a motor vehicle, semi-truck and/or semi-trailer, a recreational vehicle, such as Class A, B, or C RVs, pop-up campers, travel trailers, fifth wheels, toy haulers, truck campers or any similar recreational vehicle, boat, or any trailer, such as a boat trailer, camping trailer, hauling trailer, or any other type of trailer, on a public parking area for over 72 consecutive hours is unlawful, except where a different maximum time limit is posted."

SECTION 2. That the Board of Trustees directs the Municipal Administrator and the Street and Alley Department of the Village of Elm Creek to order parking signage to provide the public notice of said parking regulation in Section 72.12(C) and for said signage to be placed specifically in the public parking area located directly south of Highway 30 between Church Street and Tyler Street.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

It was moved by Tanner and seconded by Mike to adopt Resolution 2021-7. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #13: DISCUSSION/ACTION RE: Approve CDS Inspections Invoice #Elm Creek OOR-A12 for housing administrative services as part of the Owner Occupied Rehab project in the amount of \$2,138.34**

It was moved by Tanner and seconded by Mike to approve CDS Inspections Invoice #Elm Creek OOR-A12 for housing administrative services as part of the Owner Occupied Rehab project in the amount of \$2,138.34. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #14: DISCUSSION/ACTION RE: Approve CDS Inspections Invoice #Elm Creek OOR-LBP03 for lead based paint services as part of the Owner Occupied Rehab project in the amount of \$1,000.00**

It was moved by Tanner and seconded by Mike to approve CDS Inspections Invoice #Elm Creek OOR-LBP03 for lead based paint services as part of the Owner Occupied Rehab project in the amount of \$1,000.00. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #15: DISCUSSION/ACTION RE: Review/Approve Claim from Bates Construction for Application #Elm-HR-03 in the amount of \$2,476.13**

It was moved by Tanner and seconded by Mike to approve claim from Bates Construction for Application #Elm-HR-03 in the amount of \$2,476.13. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #16: DISCUSSION/ACTION RE: Review/Approve Claim from Ron Goodner Construction for Application #Elm-HR-03 in the amount of \$3,131.48**

It was moved by Tanner and seconded by Davis to approve claim from Ron Goodner Construction for Application #Elm-HR-03 in the amount of \$3,131.48. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #17: DISCUSSION/ACTION RE: Review/Approve Claim from Bates Construction for Application #Elm-HR-02 in the amount of \$13,146.52**

It was moved by Tanner and seconded by Mike to approve claim from Bates Construction for Application #Elm-HR-02 in the amount of \$13,146.52. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #18: DISCUSSION/ACTION RE: Approval of Drawdown Request for CDBG Funds to be submitted at a future date to reimburse Village for approved items**

It was moved by Tanner and seconded by Davis to approve Drawdown Request for CDBG Funds to be submitted at a future date to reimburse Village for approved items. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #19: DISCUSSION/ACTION RE: Approve SCEDD Invoice #1221 for general administrative services as part of the Owner Occupied Rehab project in the amount of \$1,250.00**

It was moved by Tanner and seconded by Davis to approve SCEDD Invoice #1221 for general administrative services as part of the Owner Occupied Rehab project in the amount of \$1,250.00. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #20: DISCUSSION/ACTION RE: Approval of Drawdown Request for CDBG Funds to be submitted at a future date to reimburse Village for approved items**

It was moved by Tanner and seconded by Michael to approve Drawdown Request for CDBG Funds to be submitted at a future date to reimburse Village for approved items. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**DEPARTMENT REPORTS**

**BUILDING PERMITS – none**

**EMPLOYEE REPORTS** – Dusty reported he met with Sheriff Neil Miller and Captain Bob Anderson in regards to the budget for this upcoming fiscal year. He also met with our village auditor, Ryan Hipke, to go over budget items for the next fiscal year as we prepare for the upcoming budget this September. He will have the budget worksheets for the board members review and approval at the August meeting. The guys continue to work on the tree pile and other various projects.

**AGENDA ITEM #21: Adjournment**

All agenda items having been considered, it was moved by Michael Strong and seconded by Mike Brown to adjourn this Regular Meeting. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried and the meeting was adjourned at 8:40p.m.

\_\_\_\_\_  
Chairman-Elm Creek Village Board

ATTEST:

\_\_\_\_\_  
Village Clerk

(SEAL)