

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
PUBLIC HEARING
SPECIAL MEETING
FEBRUARY 9, 2022 AT 7:00 P.M.**

A Public Hearing and 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 on February 9, 2022 at 7:00pm. Advance Notice of this hearing 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 Affidavit of Publication 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 Tanner Tool opened the Public Hearing and Special Meeting at 7:00 pm. Tanner called for the roll with the following members responding: Davis Miner, Kyle Lawrence, Mike Brown and Tanner Tool. Absent: Michael Strong. 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. Tanner announced this is the Open Public Hearing regarding application for final plat for Simmerman Acres, and regarding the Request to Amend the Elm Creek, Nebraska Comprehensive Plan 2019 to Amend the Elm Creek, Nebraska Future Land Use Map, and Regarding an Application for a Change of Zoning from Low Density Residential (R1) to Industrial (I1).

Also present at the meeting Dusty Newton, Village Administrator, and Wendy Clabaugh, Village Clerk. From the public, Ethan Kenney, Jeff Meads, Bill Simmerman and Trenton Snow. Trenton Snow, land surveyor out of Kearney, was at the meeting to present the Final Plat on Simmerman Acres on behalf of Bill Simmerman and his sisters. There were no changes from the last meeting when the Preliminary Plat was approved. With no further questions or comments during the open Public Hearing a motion by Tanner and second by Mike to close the public hearing at 7:05PM. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

SPECIAL AGENDA

AGENDA ITEM #1: Resolution of Approval; Application for Final Plat for Simmerman Acres

Tanner read in full Resolution 2022-2:

Resolution 2022-2

BE IT RESOLVED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA that the plat of "SIMMERMAN ACRES", a subdivision being part of the Southwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 9 North, Range 18 West of the Sixth Principal Meridian, 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, Buffalo County, Nebraska.

PASSED AND APPROVED this _____ day of _____, 2022.

ATTEST:

Tanner Tool, Chairman

Wendy Clabaugh, Village Clerk

Motion by Tanner Tool, seconded by Davis Miner to approve Resolution 2022-2 and the Application for Final Plat for Simmerman Acres. Ayes: Davis, Mike, Tanner and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #2: Resolution of Approval regarding the Request to amend the Elm Creek, Nebraska Comprehensive Plan 2019 to amend the Elm Creek, Nebraska Future Land Use Map

Resolution 2022-3

WHEREAS, Ag Dryer Services, Inc. has requested to amend the Elm Creek, Nebraska Comprehensive Plan 2019 to amend the Elm Creek, Nebraska Future Land Use Map to reflect changes in land use on property generally located in the northwest corner of the Village of Elm Creek with the following legal description:

A tract of land being part of the Southeast Quarter of the Northwest Quarter (also known as part of Tax Lot 39) of Section Twenty-eight (28), 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 Southeast 1/4 of the Northwest 1/4 of said Section 28 and assuming the north line of said Southeast 1/4 of the Northwest 1/4 as bearing N 89°50'21" W and all bearings contained herein are relative thereto; thence N 89°50'21" W on the aforesaid north line a distance of 16.5 feet; thence S 00°06'32" E parallel with and 16.5 feet westerly of the east line of said Southeast 1/4 of the Northwest 1/4 a distance of 25.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°06'32" E on the afore described course a distance 297.38 feet; thence S 88°45' W a distance of 294.94 feet; thence S 01°10' E a distance of 183.77 feet to a point on the south line of said Tax Lot 39; thence N 89°58'04" W on the aforesaid south line a distance of 834.02 feet to a point on the east right-of-way line of Nebraska State Highway No. 183; thence N 00°53'26" W on the aforesaid east right-of-way line a distance of 490.35 feet to a point 25.0 feet southerly of, as measured at right angles to, the north line of said Southeast 1/4 of the Northwest 1/4; thence S 89°50'21" E parallel with and 25.0 feet southerly of the aforesaid north line a distance of 1132.18 feet to the place of beginning. Containing 11.41 acres, more or less.

A tract of land being part of the Southeast Quarter of the Northwest Quarter (also known as part of Tax Lot 40) of Section Twenty-eight (28), 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 Southeast 1/4 of the Northwest 1/4 of said Section 28 and assuming the north line of said Southeast 1/4 of the Northwest 1/4 as bearing N 89°50'21" W and all bearings contained herein are relative thereto; thence N 89°50'21" W on the aforesaid north line a distance of 16.5 feet; thence S 00°06'32" E parallel with and 16.5 feet westerly of the east line of said Southeast 1/4 of the Northwest 1/4 a distance of 512.75 feet to a point on the north line of said Tax Lot 40; thence N 89°58'04" W on the aforesaid north line a distance of 230.75 feet to the ACTUAL PLACE OF BEGINNING; thence S 00°08'25" E a distance of 330.3 feet to a point on the south line of said Tax Lot 40; thence S 89°59'55" W on the aforesaid south line a distance of 889.83 feet to a point on the east right-of-way line of Nebraska State Highway No. 183; thence N 00°59'30" W on the aforesaid east right-of-way line a distance of 330.85 feet to a point on the north line of said tax lot; thence S 89°58'04" W on the aforesaid north line a distance of 894.75 feet to the place of beginning. Containing 6.77 acres, more or less.

And as shown on Exhibit "A" attached hereto; and

WHEREAS, the Village of Elm Creek Planning Commission has recommended approval of the requested changes.

NOW, THEREFORE, BE IT RESOLVED, by the Village of Elm Creek Board of Trustees that the Elm Creek, Nebraska Comprehensive Plan 2019 shall be and hereby is amended in the following manner:

1. Amend the Elm Creek, Nebraska Comprehensive Plan 2019 Future Land Use Map (Map in between Pages 54 and 57) to show changes in land use from Low Density Residential to Industrial with respect to the above legal-description and as shown on Exhibit "A" and to incorporate said changes in all other maps, figures, and plans where the future land use is displayed;

AND, BE IT FURTHER RESOLVED, that all other maps, figures, and plans where the Elm Creek, Nebraska Comprehensive Plan 2019 Future Land Use Map are displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

PASSED AND APPROVED this _____ day of _____, 2022.

ATTEST:

Tanner Tool, Chairman
Village of Elm Creek, Board of Trustees

Wendy Clabaugh, Village Clerk

Motion by Tanner Tool, seconded by Kyle Lawrence to approve Resolution 2022-3 and the Request to amend the Elm Creek, Nebraska Comprehensive Plan 2019 to amend the Elm Creek, Nebraska Future Land Use Map. Ayes: Tanner, Mike, and Kyle. Abstain: Davis Miner. Nays: none. Absent: Michael Strong. The motion carried.

AGENDA ITEM #3: Resolution of Approval regarding an Application for a Change of Zoning from Low Density Residential (R1) to Industrial (I1)

Tanner read in full Resolution 2022-4:

Resolution 2022-4

WHEREAS, the Village desires to rezone the real estate tracts legally described herein, within the Village limits of the Village of Elm Creek, Nebraska.

IT IS HEREBY RESOLVED AS FOLLOWS:

“RESOLVED, that the Village of Elm Creek, a Nebraska municipality, shall rezone the real estate legally described herein located in Buffalo County, Nebraska to “Industrial (I-1)”.

The legal description for said real estate is described as follows:

A tract of land being part of the Southeast Quarter of the Northwest Quarter (also known as part of Tax Lot 39) of Section Twenty-eight (28), 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 Southeast 1/4 of the Northwest 1/4 of said Section 28 and assuming the north line of said Southeast 1/4 of the Northwest 1/4 as bearing N 89°50'21" W and all bearings contained herein are relative thereto; thence N 89°50'21" W on the aforesaid north line a distance of 16.5 feet; thence S 00°06'32" E parallel with and 16.5 feet westerly of the east line of said Southeast 1/4 of the Northwest 1/4 a distance of 25.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°06'32" E on the afore described course a distance 297.38 feet; thence S 88°45' W a distance of 294.94 feet; thence S 01°10' E a distance of 183.77 feet to a point on the south line of said Tax Lot 39; thence N 89°58'04" W on the aforesaid south line a distance of 834.02 feet to a point on the east right-of-way line of Nebraska State Highway No. 183; thence N 00°53'26" W on the aforesaid east right-of-way line a distance of 490.35 feet to a point 25.0 feet southerly of, as measured at right angles to, the north line of said Southeast 1/4 of the Northwest 1/4; thence S 89°50'21" E parallel with and 25.0 feet southerly of the aforesaid north line a distance of 1132.18 feet to the place of beginning. Containing 11.41 acres, more or less.

A tract of land being part of the Southeast Quarter of the Northwest Quarter (also known as part of Tax Lot 40) of Section Twenty-eight (28), 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 Southeast 1/4 of the Northwest 1/4 of said Section 28 and assuming the north line of said Southeast 1/4 of the Northwest 1/4 as bearing N

89°50'21" W and all bearings contained herein are relative thereto; thence N 89°50'21" W on the aforesaid north line a distance of 16.5 feet; thence S 00°06'32" E parallel with and 16.5 feet westerly of the east line of said Southeast 1/4 of the Northwest 1/4 a distance of 512.75 feet to a point on the north line of said Tax Lot 40; thence N 89°58'04" W on the aforesaid north line a distance of 230.75 feet to the ACTUAL PLACE OF BEGINNING; thence S 00°08'25" E a distance of 330.3 feet to a point on the south line of said Tax Lot 40; thence S 89°59'55" W on the aforesaid south line a distance of 889.83 feet to a point on the east right-of-way line of Nebraska State Highway No. 183; thence N 00°59'30" W on the aforesaid east right-of-way line a distance of 330.85 feet to a point on the north line of said tax lot; thence S 89°58'04" W on the aforesaid north line a distance of 894.75 feet to the place of beginning. Containing 6.77 acres, more or less.

PASSED AND APPROVED this _____ day of _____, 2022.

ATTEST:

Tanner Tool, Chairman
Village of Elm Creek, Board of Trustees

Wendy Clabaugh, Village Clerk

Motion by Tanner Tool, seconded by Kyle Lawrence to approve Resolution 2022-4 and the Application for a Change of Zoning from Low Density Residential (R1) to Industrial (I1). Ayes: Tanner, Mike, and Kyle. Abstain: Davis Miner. Nays: none. Absent: Michael Strong. The motion carried.

AGENDA ITEM #4: Consider and approve payment of \$2,673.70 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Kyle Lawrence to approve payment of \$2,673.70 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #5: Consider and approve payment of \$2,476.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Kyle Lawrence to approve payment of \$2,476.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #6: Consider and approve payment of \$2,569.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Davis Miner to approve payment of \$2,569.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #7: Consider and approve payment of \$2,454.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Davis Miner to approve payment of \$2,454.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #8: Consider and approve payment of \$380.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Kyle Lawrence to approve payment of \$380.00 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #9: Consider and approve payment of \$853.48 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Davis Miner to approve payment of \$853.48 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #10: Consider and approve payment of \$814.91 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Mike Brown to approve payment of \$814.91 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM 11: Consider and approve payment of \$4,363.20 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application

Motion by Tanner Tool, seconded by Mike Brown to approve payment of \$4,363.20 to Stan Ourada for reimbursement of paid invoice to Aurora Cooperative for Soil Sample Grid on lagoon application. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried.

AGENDA ITEM #12: Adjournment

All agenda items having been considered, it was moved by Kyle Lawrence and seconded by Mike Brown to adjourn this Special Meeting. Ayes: Tanner, Davis, Mike, and Kyle. Nays: none. Absent: Michael. The motion carried and the meeting was adjourned at 7:40PM.

Chairman-Elm Creek Village Board

(SEAL)

ATTEST: _____
Village Clerk