

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
PUBLIC HEARING MINUTES  
AUGUST 24, 2022, 7:00 P.M.**

A 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 7:00 p.m. on August 24, 2022. 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 public hearing to order at 7:11 p.m. by calling for the roll with the following members responding: Tanner Tool, Davis Miner and Michael Strong. Absent: Mike Brown and Kyle Lawrence. Tanner Tool 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 second by Davis Miner to open the Public Hearing on the proposed Code Amendment Changes to the Village of Elm Creek Zoning and Subdivision Regulations at 7:11PM. Ayes: Michael, Tanner, and Davis. Nays: none. Absent: Mike and Kyle. The motion carried.

With no further discussion a motion by Tanner and second by Michael to close Public Hearing. Ayes: Michael, Tanner, and Davis. Nays: none. Absent: Mike and Kyle. The motion carried and the hearing was closed at 7:16p.m.

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
AUGUST 24, 2022, 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 7:30p.m. on August 24, 2022. 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 and Michael Strong. Absent: Mike Brown and Kyle Lawrence. Tanner Tool 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 August 2022 in the amount of \$587,108.16 and to approve the minutes to the Regular Meeting on July 21, 2022 and the Public Hearing and Special Meeting on August 17, 2022. Ayes: Michael, Tanner, and Davis. Nays: none. Absent: Mike and Kyle. The motion carried.

**SHERIFF'S REPORT:**

No one in attendance from the Sheriff's Department.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Consider and approve request from Broc Anderson, from the Trails and Rails Museum, granting them permission to utilize the cemetery on September 30<sup>th</sup>, October 1<sup>st</sup> & 2<sup>nd</sup> for the Trails and Rails Museum's events from Beyond the Grave**

It was moved by Tanner and seconded by Davis to approve request from Broc Anderson, from the Trails and Rails Museum, granting them permission to utilize the cemetery on September 30<sup>th</sup>, October 1<sup>st</sup> & 2<sup>nd</sup> for the Trails and Rails

Museum's events from Beyond the Grave. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

**AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and approve ordinance on code amendment to the Zoning and Subdivision Regulations**

It was moved by Tanner and seconded by Davis to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-1 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried. Tanner introduced Ordinance 2022-1 and read by title:

**ORDINANCE NO. 2022-1**

**AN ORDINANCE OF THE VILLAGE OF ELM CREEK, NEBRASKA TO AMEND THE ZONING ORDINANCE TO MODIFY THE SQUARE FEET, WIDTH AND AGE OF MOBILE HOMES ALLOWED IN THE RM MOBILE HOME RESIDENTIAL DISTRICT; 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 Davis to approve Ordinance 2022-1 with the amendment change of 16 feet in exterior width. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

Chairman Tanner Tool wanted to move onto Agenda #5 and move Agenda #3 and #4 to the end of the meeting and discuss prior to the Department Reports.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: Consider and approve the additional 1% Allowable Increase in the Restricted Fund Authority**

It was moved by Tanner and seconded by Michael to approve the additional 1% Allowable Increase in the Restricted Fund Authority. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Appoint new Planning Commission member**

It was moved by Tanner and seconded by Michael to appoint Luke Ourada as the new Planning Commission Member. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

**AGENDA ITEM #7: DISCUSSION/ACTION RE: Consider and approve Pay Application #3 to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002**

It was moved by Tanner and seconded by Davis to approve Pay Application #3 to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002 in the amount of \$309,348.90. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Approval of Request for CDBG Funds Drawdown #5 for the Elm Avenue Paving Improvements, CDBG 20-PW-002**

It was moved by Tanner and seconded by Davis to approve the request for CDBG Funds Drawdown #5 for the Elm Avenue Paving Improvements, CDBG 20-PW-002 in the amount of \$94,828.16. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Transfer \$225,000 from the FirstTier Bank money market account general fund to the FirstTier Bank checking account general fund**

It was moved by Tanner and seconded by Michael to approve the transfer of \$225,000 from the FirstTier Bank money market account general fund to the FirstTier Bank checking account general fund. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

It was moved by Tanner and seconded by Davis to go into executive session to discuss personnel at 8:01PM. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

It was moved by Tanner and seconded by Michael to come out of executive session at 8:21PM. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

Chairman Tanner went back to discuss Agenda Items #3 and #4.

**AGENDA ITEM #3: DISCUSSION/ACTION RE: Consider and approve Personnel Schedule for Funding Year 2022-2023**

It was moved by Tanner and seconded by Davis to approve Personnel Schedule for Funding Year 2022-2023 with the current clerk at Pay Grade 27, Step 5. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

**AGENDA ITEM #4: DISCUSSION/ACTION RE: Consider and approve FY22-23 Comprehensive Fee Schedule**

It was moved by Tanner and seconded by Davis to approve FY22-23 Comprehensive Fee Schedule. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

**DEPARTMENT REPORTS**

BUILDING PERMITS – A conditional use permit application was received from Michael and Peggy Robinson and is under review.

EMPLOYEE REPORTS – The board and Dusty discussed the Budget worksheets and upcoming projects for the next fiscal year. Dusty noted that the levy will stay the same as last year at 37.82 cents/100 valuation. Budget Hearing has been scheduled for Tuesday, September 13<sup>th</sup> at 5:30pm.

LIBRARY REPORTS-James Poulson will be going off the board in October and the Library Board is working to fill that vacancy.

**AGENDA ITEM #10: Adjournment**

All agenda items having been considered, it was moved by Michael Strong and seconded by Davis Miner to adjourn this Regular Meeting. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried and the meeting was adjourned at 9:01 p.m.

---

Chairman-Elm Creek Village Board

ATTEST:

---

Village Clerk

(SEAL)