

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
NOVEMBER 21, 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 7:30 p.m. on November 21, 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 regular 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 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 Kyle to approve the minutes of the Regular meeting on October 27, 2022 and the November 2022 Claims in the amount of \$77,216.79. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried.

SHERIFF'S REPORT: Captain Bob was at the meeting to update the board that they have 2 deputy candidates currently at the training center and 1 additional candidate to start training in January. No significant events to report for October.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Interview for Clerk/Treasurer Position

It was moved by Tanner and seconded by Davis to go into Executive Session at 7:33PM to discuss Personnel. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried. It was moved by Tanner and seconded by Mike to come out Executive Session at 7:51PM. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Resolution of Approval; Resolution Accepting a Bid on the Asbestos Removal on the property located at 340 E Front Street

Resolution 2022-22 was introduced and read in full by Tanner.

RESOLUTION NO. 2022-22

A RESOLUTION ACCEPTING A BID ON THE ASBESTOS REMOVAL ON THE PROPERTY LOCATED AT 340 E. FRONT STREET.

WHEREAS, three bids on the asbestos removal on the property located at 340 E. Front Street were received on November 9, 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Chairman and the Board of Trustees of the Village of Elm Creek, Nebraska, that they find and declare that the following bid for the asbestos removal on the property located at 340 E. Front Street is the best bid received.

340 E. Front Street

<u>Bidder</u>	<u>Amount of Bid</u>
Great Plains Asbestos Control, Inc 820 East Railroad Street; PO Box 39	\$17,600.00

BE IT FURTHER RESOLVED that the bid, as above set forth, filed with the Municipal Administrator in accordance with the terms of the published notice, and attached hereto, be and the same is hereby accepted.

PASSED AND APPROVED this 21st day of November, 2022.

It was moved by Tanner and seconded by Mike to approve Resolution 2022-22. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Resolution of Approval; Resolution Approving an Agreement for Services with Great Plains Asbestos Control, Inc for Asbestos Removal and Abatement (2022)

Resolution 2022-25 was introduced and read in full by Tanner:

RESOLUTION NO. 2022-25

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES WITH GREAT PLAINS ASBESTOS CONTROL, INC. FOR ASBESTOS REMOVAL AND ABATEMENT (2022).

WHEREAS, the Village of Elm Creek, Nebraska, as a result of the Board of Trustee's approval of Resolution No. 2022-22, is desirous to enter into an Agreement for Services with Great Plains Asbestos Control, Inc. for asbestos removal and abatement at 340 E. Front Street, Elm Creek, Nebraska; and

WHEREAS, Great Plains Asbestos Control, Inc. is agreeable to entering into an Agreement for Services with the Village of Elm Creek to provide said asbestos removal and abatement services as provided for therein.

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Agreement for Services with Great Plains Asbestos Control, Inc., a copy of which is attached hereto, be approved as written, and the Chairman of the Village Board of Trustees is authorized and directed to execute said Agreement on behalf of the Village.

PASSED AND APPROVED this 21st day of November, 2022.

It was moved by Tanner and seconded by Davis to approve Resolution 2022-25. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Resolution of Approval; Resolution Approving an Agreement for Reimbursement with L & M Homes, L.L.C. (2022)

Resolution 2022-26 was introduced and read in full by Tanner:

RESOLUTION NO. 2022-26

A RESOLUTION APPROVING AN AGREEMENT FOR REIMBURSEMENT WITH L & M HOMES, L.L.C. (2022).

WHEREAS, L & M Homes, L.L.C., a Nebraska Limited Liability Company, owns certain real estate located at 340 E. Front Street, Elm Creek, Nebraska (the "Property"); and

WHEREAS, L & M Homes, L.L.C. has represented to the Village of Elm Creek (the “Village”) that it is desirous of improving the unsightly and dangerous condition of the Property and that said improvements must include the removal and disposal of asbestos on the Property; and

WHEREAS, in reliance upon L & M Homes, L.L.C.’s representations to the Village, the Village applied for and was awarded a grant by the Nebraska Department of Environment and Energy (the “NDEE”) and has entered into an Interlocal Agreement between the Village and the NDEE (the “Interlocal Agreement”) whereby the Village expects to be reimbursed for a portion of the costs for asbestos removal and disposal pursuant to the terms of the Interlocal Agreement; and

WHEREAS, pursuant to the Interlocal Agreement, the Village has hired and entered into an agreement with Great Plains Asbestos Control, Inc., a Nebraska licensed abatement contractor, through a competitive bidding process to remove and dispose of asbestos-containing materials at 340 E. Front Street, Elm Creek, Nebraska with a total bid amount of \$18,400.00; and

WHEREAS, pursuant to the Interlocal Agreement, the Village expects to be reimbursed for the fifty percent (50%) of the cost of the work to be performed by Great Plains Asbestos Control, Inc.; and

WHEREAS, in exchange for the Village hiring and causing the asbestos removal and disposal work to be done pursuant to the Interlocal Agreement, the Village desires to enter into an Agreement for Reimbursement with L & M Homes, L.L.C. whereby L & M Homes, L.L.C. shall reimburse the Village for the amount of the asbestos removal and disposal that the Village is not reimbursed for by the NDEE; and

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Agreement for Reimbursement with L & M Homes, L.L.C., a copy of which is attached hereto, be approved as written, and the Chairman of the Village Board of Trustees is authorized and directed to execute said Agreement on behalf of the Village.

PASSED AND APPROVED this 21st day of November, 2022.

It was moved by Tanner and seconded by Kyle to approve Resolution 2022-26. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Park Pathway Update

Jesse Riens with Oak Creek Engineering was in attendance at the board meeting to discuss the Park Pathway Project. TL Sund was awarded the project with a completion date of November 15th. TL Sund showed up on November 16th to get started on the project. They did their first pour of concrete today and anticipate the final pour to be Wednesday, November 23rd. They will be back next week to have the project completed by December 1st or 2nd. Jesse also updated the board on the Elm Avenue Project that the Nielsen Contracting has the concrete all sealed and that part is completed. Also at the Allen Schmidt residence, Hoehner will be back in the spring to finish the hydroseeding of their lawn.

AGENDA ITEM #6: Appoint new Library Board Member

Tabled.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Consider and Approve the Oak Creek Engineering Invoice 22-214 for \$12,899.64 for the CDBG 20-PW-002 Elm Avenue Paving Improvements, Easy Street to Becroft Street for Construction Services

It was moved by Tanner and seconded by Davis to approve the Oak Creek Engineering Invoice 22-214 for \$12,899.64 for the CDBG 20-PW-002 Elm Avenue Paving Improvements, Easy Street to Beecroft Street for Construction Services. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried.

The board skipped down and did the Department Reports and will come back to Agenda Items 8 & 9 last.

DEPARTMENT REPORTS

BUILDING PERMITS – none reported

EMPLOYEE REPORTS – Dusty asked the board what date in December they wanted to do the regular meeting. The board decided to have the meeting scheduled for Monday, December 19th at 7:30PM.

LIBRARY REPORTS –none to report

AGENDA ITEM #8: DISCUSSION/ACTION RE: Interview for Clerk/Treasurer Position

It was moved by Tanner and seconded by Kyle to go into Executive Session at 8:29PM to discuss Personnel. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried. It was moved by Tanner and seconded by Michael to come out Executive Session at 8:55PM. Ayes: Michael, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Hire for Clerk/Treasurer Position

It was moved by Tanner and seconded by Kyle to approve hiring of Clerk/Treasurer position to Amy Gillming with a start date of December 5, 2022, at Pay Grade 27, Step 1, \$27.33/hour. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #10: 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, Tanner, Kyle, Mike and Davis. Nays: none. Absent: none. The motion carried and the meeting was adjourned at 8:58 p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)