

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
DECEMBER 19, 2022, 7:30 P.M.**

A Regular Meeting of the Elm Creek Village Board of Trustees convened in open and public session at the Village Center, 535 W. Boyd Avenue, Elm Creek, Nebraska at 7:30 p.m. on December 19, 2022. Advance Notice of this meeting was given in advance thereof by publication in the Beacon Observer and posting of same in three public places within the Village, 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. Vice Chairman Davis Miner called the meeting to order at 7:31pm by calling for the roll, with the following members responding: Kyle Lawrence, Michael Strong and Davis Miner. Absent: Tanner Tool and Mike Brown. Davis 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 Davis and seconded by Michael to approve the Consent Agenda consisting of the minutes of the Regular Meeting on November 21, 2022 and the approval of the Claims for the month of December 2022 totaling \$85,508.86. Ayes: Kyle, Michael, and Davis. Nays: none. Absent: Tanner and Mike. The motion carried.

It was moved by Davis and seconded by Kyle to adjourn the meeting Sine Die at 7:32pm. Ayes: Kyle, Michael, and Davis. Nays: none. Absent: Tanner and Mike. The motion carried.

Oaths of Office were administered to the new elected board members: Kyle Lawrence. The new elected board member read aloud their Oath of Office.

REORGANIZATION

The Clerk asked for nominations for Chairperson of the Board. Davis Miner nominated Tanner Tool. It was then moved by Davis and seconded by Michael to cease nominations. Ayes: Kyle, Michael and Davis. Nays: none. Absent: Tanner and Mike. The motion carried and the nominations ceased. There was no need to carry out a secret ballot vote. Tanner Tool was appointed as Chairman. Davis then called the meeting to order at 7:36pm. The appointment of Vice Chairman was tabled since Tanner was absent.

SHERIFF'S REPORT: Sergeant Ristine was at the meeting and he said there was not much to report for the month of December.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Designate depositories for Village funds; designate legal publication.

It was moved by Davis and seconded by Michael to approve FirsTier Bank and Farmer's Merchants Bank as the designated depositories for the Village funds. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

It was moved by Davis and seconded by Kyle to approve the Beacon Observer as the legal publication. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Appointment of Village officials and Boards

It was moved by Davis and seconded by Kyle to appoint the following officials and boards:

- A. Village Attorney- Taylor L'Heureux Dewald Deaver L'Heureux Law Firm
- B. Village Engineer-Lance Harter with Oak Creek Engineering
- C. Street Superintendent- Lance Harter with Oak Creek Engineering
- D. Municipal Administrator – Dusty Newton
- E. Municipal Clerk/Treasurer-Amy Gillming
- F. Utilities Superintendent – Scott Fisher
- G. Emergency Management Director-Scott Fisher
- H. Librarian-Jane Walker
- I. Zoning Administrator-Dusty Newton
- J. Board of Health-Captain Bob Anderson, Carol Jorgensen, and Tanner Tool
- K. Board of Adjustment – to remain the current Village Board members
- L. Committees: to Park/Cemetery: Michael, Mike and Tanner; Sewer/Water: Tanner and Kyle; Streets/Garbage: Davis and Tanner.

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

AGENDA ITEM #3: DISCUSSION/ACTION RE: Award bid and approve contract for 2023 Mill Street Improvements Highway 30 Return Reconstruction

It was moved by Davis and seconded by Michael to Award the bid and approve contract for 2023 Mill Street Improvements Highway 30 Return Reconstruction to Tri City Concrete in the amount of \$24,927.50. Ayes: Michael, Davis and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Remove Wendy Clabaugh from all Village Accounts and Village Credit Card

It was moved by Davis and seconded by Kyle to remove Wendy Clabaugh from all Village accounts and Credit Card. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Add new authorized signers to all Village accounts: Amy Gillming, Dusty Newton, Tanner Tool, Davis Miner and Mike Brown.

It was moved by Davis and seconded by Michael to have the following as authorized signers on all Village accounts: Amy Gillming, Dusty Newton, Tanner Tool, Davis Miner and Mike Brown. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Consider and approve the authorization and issuance of a credit card for the new Village Clerk/Treasurer, Amy Gillming.

It was moved by Davis and seconded by Michael to approve the authorization and issuance of a credit card for the new Village Clerk/Treasurer, Amy Gillming. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Consider and approve Ordinance 2022-4; AN ORDINANCE TO AMEND THE QUALIFICATIONS FOR MEMBERSHIP ON THE VILLAGE PARK BOARD AND THE VILLAGE LIBRARY BOARD; TO ALLOW FOR MEMBERS WHO ARE RESIDENTS OF THE AREA OVER WHICH THE MUNICIPALITY IS AUTHORIZED TO EXERCISE EXTRATERRITORIAL ZONING AND SUBDIVISION REGULATION

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-4 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

ORDINANCE 2022-4 - AN ORDINANCE OF THE VILLAGE OF ELM CREEK, NEBRASKA TO AMEND THE QUALIFICATIONS FOR MEMBERSHIP ON THE VILLAGE PARK BOARD AND THE VILLAGE LIBRARY BOARD; TO ALLOW FOR MEMBERS WHO ARE RESIDENTS OF THE AREA OVER WHICH THE MUNICIPALITY IS AUTHORIZED TO EXERCISE EXTRATERRITORIAL ZONING AND SUBDIVISION REGULATION; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

It was moved by Davis and seconded by Kyle to approve Ordinance 2022-4. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Appoint a new Library Board Member

It was moved by Davis and seconded by Michael to appoint Miki Nichols as the new Library Board Member. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-5: An Ordinance relating to property tax levies; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-5 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

ORDINANCE 2022-5 - An Ordinance relating to property tax levies; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to approve Ordinance 2022-5. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Consider and approve #2022-6: An Ordinance relating to adopted budget statements, their filing and the certification of the amount of tax; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-6 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

ORDINANCE 2022-6 - An Ordinance relating to adopted budget statements, their filing and the certification of the amount of tax; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to approve Ordinance 2022-6. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

AGENDA ITEM #11 DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-7: An Ordinance relating to animal abandonment, neglect and mistreatment; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-7 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-7 - An Ordinance relating to animal abandonment, neglect and mistreatment; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to approve Ordinance 2022-7. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #12: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-8: An Ordinance relating to criminal trespass; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-8 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-8 - An Ordinance relating to criminal trespass; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to approve Ordinance 2022-8. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #13: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-9: An Ordinance relating to minutes; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-9 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-9 - An Ordinance relating to minutes; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to approve Ordinance 2022-9. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #14: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-10: An Ordinance relating to property tax requests for an increase more than the allowable growth percentage; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-10 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-10 - An Ordinance relating to property tax requests for an increase more than the allowable growth percentage; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to approve Ordinance 2022-10. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #15: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-11: An Ordinance relating to proposed budget statements; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-11 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-11 - An Ordinance relating to proposed budget statements; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to approve Ordinance 2022-11. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #16: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-12: An Ordinance relating to proposed budget statements, their hearing and adoption and the certification of the tax amount; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-12 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-12 - An Ordinance relating to proposed budget statements, their hearing and adoption and the certification of the tax amount; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to approve Ordinance 2022-12. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #17: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-13: An Ordinance relating to recall procedure; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-13 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-13 - An Ordinance relating to recall procedure; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to approve Ordinance 2022-13.

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

Agenda Item #18: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-14: An Ordinance relating to the sale and conveyance of real property; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-14 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-14 - An Ordinance relating to the sale and conveyance of real property; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Michael to approve Ordinance 2022-14.

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

Agenda Item #19: DISCUSSION/ACTION RE: Consider and Approve Model Ordinance #2022-15: An Ordinance relating to special elections; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2022-15 might be introduced, read by title 3 times and adopted at the same meeting.

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

ORDINANCE 2022-15 - An Ordinance relating to special elections; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

It was moved by Davis and seconded by Kyle to approve Ordinance 2022-15.

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

Agenda Item #20: DISCUSSION/ACTION RE: Consider and approve Pay Application #2 (Final) from Van Kirk Bros Contracting in the amount of \$17,500.02 for the NW Industrial Development Utility Improvements Project #9-M5-11

It was moved by Davis and seconded by Michael to approve Pay Application #2 (Final) from Van Kirk Bros Contracting for the NW Industrial Development Utility Improvements Project #9-M5-11 for \$17,500.02. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #21: DISCUSSION/ACTION RE: Consider and approve Invoice #3098-01 from Great Plains Asbestos Control in the amount of \$17,600.00 for the 340 Front Street Asbestos Abatement Project

It was moved by Davis and seconded by Kyle to approve Invoice #3098-01 from Great Plains Asbestos Control for the 340 Front Street Asbestos Abatement Project for \$17,600.00. Ayes: Davis, Michael, Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

Agenda Item #22: DISCUSSION/ACTION RE: Consider and approve Pay Application #1 (Final) from TL Sund Constructors Inc in the amount of \$23,038.75 for the 2022 Park Pathways Improvements Project #9-M5-13

It was moved by Davis and seconded by Michael to approve Pay Application #1 (Final) from TL Sund Constructors Inc for the 2022 Park Pathways Improvements Project #9-M5-13 for \$23,038.75. Ayes: Davis, Michael and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried.

DEPARTMENT REPORTS

BUILDING PERMITS: None reported.

EMPLOYEE REPORTS: Dusty issued a Mobile Permit for The Cup N Cork coffee trailer. Dusty suggested the board discuss trading off the 2012 pickup on a new ¾ ton and eventually auction off the 2015 pickup so we only have 2

AGENDA ITEM #29: Adjournment.

All agenda items having been considered, it was moved by Michael Strong and seconded by Kyle Lawrence to adjourn this Regular Meeting. Ayes: Michael, Davis, and Kyle. Nays: none. Absent: Tanner and Mike. The motion carried and the meeting was adjourned at 8:29p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)