

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
APRIL 23, 2015, 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 April 23, 2015. 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. Chairman Jim Gunderson called the meeting to order at 7:30 p.m. by calling for the roll with the following members responding: Jim Gunderson, Gary Brouillette, Kathy Labs, Davis Miner and Cory Halliwell. Jim announced that the Open Meeting Laws were in the hallway leading to the meeting room for the public's inspection.

**CONSENT AGENDA**

It was moved by Jim and seconded by Kathy to approve the Consent Agenda consisting of the minutes of the Regular Meeting on March 26, 2015 and the Special Meeting on April 2, 2015 and approval of the Claims for the month of April 2015. It was suggested by Jim to pay the Bosselman Fuel Card invoice upon receipt to avoid the monthly late fees which would result in up to \$500 in late fees charged to the Village annually. Ayes: Jim, Gary, Kathy, Davis and Cory. Nays: none. The motion carried.

**DEPARTMENT REPORTS**

**EMPLOYEE REPORTS:** Clint reported that the new tractor and truck is here and Jan has been notified to add both to our insurance and we will be getting the truck licensed in the next couple of days. The pool has been pressured washed and is ready to paint. Continuing to work on the sidewalk projects. Jim stated that now that our new printer/copier/scanner is installed, the Xerox printer/copier is up for sale. Davis Miner, on behalf of Ag Dryer, put a bid of \$250 to purchase the Xerox printer from the Village. Jim accepted the offer of \$250 from Ag Dryer. Jim also approved Mike Whitmire to purchase supplemental insurance through Colonial Life which will be fully paid by the employee through payroll deductions. Also discussed was Jim Mitchell's hourly pay. When Jim was hired back as a seasonal employee, it was discussed that his hourly wage would be \$17.50 with no benefits. Since coming back to work, his pay was not changed so Jim Gunderson approved the pay change with backpay to Jim Mitchell. Amber was to report to Jim in regards to the pool passes and rates. Amber was not in attendance so this will be discussed at a later time.

**SHERIFF'S REPORT:** Captain Bob Anderson was in attendance. He reported that they will be increasing their patrolling the next 3 weeks around the school, pool and ball fields.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Steve Martin – Buffalo Stampede.**

Steve Martin was present to discuss Buffalo Stampede weekend and moving the fireworks display to Friday, August 28<sup>th</sup>. It was moved by Jim and seconded by Gary to pay \$2,500 out of the Keno funds to

put toward the fireworks display to kick off Buffalo Stampede weekend. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #2: DISCUSSION/ACTION RE: JEO Change Order #1/Pay application #1 for S.I.D.**

For the Sidewalk Improvement District, there was a change order request by GD Concrete to JEO Consulting to make the necessary changes to the original design as discussed in the April 2<sup>nd</sup> special meeting with the business owners, GD Concrete, JEO Consulting and the Village Board Members. It was moved by Jim and seconded by Davis to approve the Change Order #1. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried. It was moved by Jim and seconded by Cory to approve and pay the Pay Application #1 in the amount of \$40,221.90 to GD Concrete for work completed. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #3: DISCUSSION/ACTION RE: Administrative re-plot of downtown lots Fosters/ Florell**

Kelly Florell was not present at the meeting and the surveyor had not completed the survey of the lots. This agenda will be moved to next month's regular meeting. No action taken.

**AGENDA ITEM #4: Administrative Complaint/McDermott & Miller**

Jim asked Luke Deaver if we could skip over this agenda item and move it to the end of the meeting and discuss it in executive session. Luke said that would be okay.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: Amy Albers Cemetery Plot reimbursement**

Upon receiving a written statement from Amy Albers to vacate cemetery plot Section 5, Lot 91, Grave 3 and sell back the plot to the Village a motion was made by Jim and seconded by Gary to reimburse Amy Albers \$100.00 for the vacated plot. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Cemetery Plot Rate Increase**

A motion was made by Gary and seconded by Davis to increase the Cemetery rate to \$250.00/plot and \$100.00/Cremation Grave Opening. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #7: DISCUSSION/ACTION RE: Bulk Water Rate**

A motion was made by Jim and seconded by Gary to change the bulk water rate to \$0.01/gallon with a minimum charge of \$20.00. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Rate Proposal for Garbage Dumpsters**

It was moved by Gary and seconded by Jim to charge a minimum of \$25.00 for up to 2 weeks for garbage dumpster rental and \$50.00/month for a garbage dumpster rental. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Meads Subdivision**

Jim requested Luke Deaver to send Cliff Meads a letter regarding the Meads Subdivision Agreement and his failure to properly construct and pay for the necessary street lighting, natural gas and electrical service as written into the Subdivision Agreement. The Village is requesting a written response from Cliff Meads prior to the next monthly meeting which is scheduled for May 28, 2015. The Village has placed this on its next month agenda. If a response is not received, the Village will take all reasonable legal steps to remedy this issue.

**AGENDA ITEM #10: DISCUSSION/ACTION RE: Meads Antique Building Downtown**

Luke Deaver will be sending a letter to Cliff Meads in regards to the Antique Building that has been determined to be an unsafe building. Cliff will have 60 days from the date of receipt of the notice to repair/demolish the building or the Village will proceed to do so. Cliff may appeal the determination by filing an Appeal to the Municipal Clerk within 10 days of receipt of the notice for a request for a hearing.

**AGENDA ITEM #11: DISCUSSION/ACTION RE: Ball Club Batting Cage**

It was moved by Jim and seconded by Cory to allow the ball club to move the batting cage outside the leftfield fence. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #12: DISCUSSION/ACTION RE: Wendy Stephens Lawsuit**

It was moved by Jim and seconded by Davis at 9:10pm to go into Executive Session. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried. A motion was made by Jim and seconded by Davis at 10:10pm to come out of Executive session. Ayes: Jim, Gary, Cory, Davis and Kathy. Nays: none. The motion carried.

**AGENDA ITEM #14: Adjournment.**

All agenda items having been considered, it was moved by Davis and seconded by Cory to adjourn this Regular Meeting. Ayes: Gary, Cory, Davis, Kathy, and Jim. Nays: none. The motion carried and the meeting was adjourned at 10:10 p.m.



(SEAL)

ATTEST:

Wendy Clabough  
Village Clerk

Jim Gunderson  
Chairman-Elm Creek Village Board