

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
JULY 23, 2020, 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 July 23, 2020. 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: Kyle Lawrence, Davis Miner, Cory Halliwell, Mike Brown and Tanner Tool. Absent: none. Tanner announced that the Open Meeting Laws were in the meeting room on the east wall for the public's inspection.

**CONSENT AGENDA**

It was moved by Tanner and seconded by Davis to approve the Consent Agenda consisting of the Claims for the month of July 2020 in the amount of \$125,021.65 and to approve the minutes to the meeting on June 25, 2020. Ayes: Kyle, Davis, Cory, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**SHERIFF'S REPORT:**

Captain Bob Anderson with the Buffalo County Sheriff's Department reported that they have been seeing an increase in disturbances and thefts' county wide. Captain Bob also introduced the new CSO, Alex Humpfer, to the Elm Creek Community.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Approve amendment to the workforce housing incentive plan and Resolution 2020-9**

Tanner introduced Resolution 2020-9 and read in full.

Resolution 2020-9

WORKFORCE HOUSING INCENTIVE PLAN FOR THE

MUNICIPALITY OF ELM CREEK, NEBRASKA

PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW

WHEREAS, the 2018 Nebraska Legislature passed Legislative Bill 496 (the "Bill") which amended the Nebraska Community Development Law (the "Act"). The Bill was signed by the Governor in May of 2018. Before the Bill was passed, TIF was generally limited to pay costs of site purchase, utility extension, public infrastructure, sidewalks, planning and certain rehabilitation expenditures. The Bill, among other items, provided that tax increment financing (TIF) may be used for the actual construction of new workforce housing and rehabilitation costs exceeding 50% of assessed valuation on residential workforce housing units.

WHEREAS, prior to utilizing TIF for workforce housing, the City must (a) receive a housing study within the last 24 months and (b) hold a hearing on an incentive plan for the use of TIF for workforce housing.

WHEREAS, “workforce housing” means:

(a) Housing that meets the needs of today's working families; (b) Housing that is attractive to new residents considering relocation to a rural community; (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;(d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and (e) Upper-story housing. §18-2103 (32) R.R.S.

WHEREAS, “rural community” means any municipality in a county with a population of fewer than one hundred thousand inhabitants as determined by the most recent federal decennial census. The Buffalo County 2010 Census indicates a population of 46,102. §18-2103 (30) R.R.S.

Whereas, in 2019, the Village of Elm Creek (the “Village”) received a housing study entitled “Village of Elm Creek Housing Study by South Central Economic Development District” (the “Study”). The Study determined that:

The housing study indicated that Elm Creek is a growing community and in order to continue to accommodate for growth and recruit people to the community there needs to be a supply of well-maintained, affordable and available housing options.

In addition, the housing study indicated steps that the Village of Elm Creek should consider to improve its housing situation and prepare for future growth:

- 1) Existing housing stock maintenance
- 2) Code Enforcement/Nuisance Abatement
- 3) Promote Infill Housing Development
- 4) New Housing for Workforce
- 5) Rental Rehab or New Rental Unit Construction
- 6) Transitional/New Housing for the “Boomers” and older generation
- 7) Subdivision Development
- 8) Tax Sales
- 9) Investment Club Formation
- 10) Land Bank and/or Vacancy Registry

Separately, Miller & Associates Consulting Engineers, P.C. conducted a Buffalo County Housing Market Study in 2020 that identified the objectives of: Objective 1 Produce and preserve a sufficient supply of affordable rental housing to meet future needs. Objective 2 Produce and preserve a sufficient supply of affordable owner-occupied housing to meet future needs. Objective 3 Ensure low- and moderate-income families and

individuals have access to quality, affordable housing and affordable workforce housing. Leverage County programs by incentivizing landlords and developers to provide housing for families and individuals with housing barriers. Objective 4 Enable Buffalo County residents to age in the County with access to housing options.

WHEREAS, the law requires that a workforce housing incentive plan be necessary to prevent the spread of blight and substandard conditions within the municipality, promote additional safe and suitable housing for individuals and families employed in the municipality, and will not result in the unjust enrichment of any individual or company.

**NOW, THEREFORE,** be it resolved by the Chairman and Board of Trustees of the Village of Elm Creek, Nebraska, that:

1. It has received a housing study which is current within twenty-four months of the date of this Resolution;
2. It has prepared an incentive plan for construction of housing in the municipality of Elm Creek, Nebraska, targeted to house existing or new workers “(the Workforce Housing Incentive Plan”);
3. This Workforce Housing Incentive Plan shall be effective for the Village of Elm Creek, Nebraska, until modified pursuant to the Act.
4. This Workforce Housing Incentive Plan is necessary to prevent the spread of blight and substandard conditions within the municipality, promote additional safe and suitable housing for individuals and families employed in the municipality, and will not result in the unjust enrichment of any individual or company.
5. TIF for workforce housing for each project is to be implemented pursuant to a redevelopment plan recommended by the Elm Creek Community Development Agency (CDA), and approved after hearing by the Elm Creek Village Board pursuant to the Act.
  - The Village of Elm Creek, Nebraska Redevelopment Plan dated 2019 identified: To eliminate blighted and substandard conditions and enhance private development and redevelopment activities, industrial, commercial and residential within the Redevelopment Area. Also, utilize TIF as an incentive for the acquisition, demolition and replacement of functionally and economically obsolescent commercial, industrial and residential properties. In addition, coordinate development and redevelopment efforts by implementing corridor enhancements along Highway 30.
6. This Workforce Housing Incentive Plan is intended to incent development of workforce housing that supports current and prospective employees of local and area businesses and public service corporations. IT IS NOT INTENDED AND WILL NOT BE USED TO CONSTRUCT HIGHER END HOMES OR CUSTOM-BUILT HOMES.
7. All redevelopment contracts between the CDA and a redeveloper providing TIF benefits for workforce housing will be negotiated on a case by case basis with TIF incentives to be determined by the CDA, and approved by the Village Board, in amounts required to accomplish the goal of incenting the development of safe and decent workforce housing in

the Village of Elm Creek. The CDA shall document and shall only agree to provide TIF benefits to a redeveloper seeking TIF for workforce housing after a determination is made by the CDA that the project is consistent with the requirements of the Community Development Law, as amended from time to time, the applicable redevelopment plan and this Workforce Housing Incentive Plan, as well after a determination is made that the project will not result in the unjust enrichment of any individual or company. In each redevelopment contract for workforce housing, the CDA shall set standards appropriate for each workforce housing development project related to residence or apartment size, construction standards, costs and rental rates.

PASSED AND APPROVED this 23<sup>rd</sup> day of July, 2020.

VILLAGE OF ELM CREEK, NEBRASKA,

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Tanner Tool, Chairman

ATTEST:

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Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Mike to approve the Workforce Housing Incentive Plan as presented and to approve Resolution 2020-9. Ayes: Kyle, Davis, Cory, Tanner and Mike. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #2: DISCUSSION/ACTION RE: Approve request from Noah Hubbard for Buffalo Stampede Firework Display Friday, August 14, 2020**

It was moved by Tanner and seconded by Kyle to approve the closure of the indicated area of the east park parking lot and the north ball field on Friday, August 14 from 4pm to 12am for the set up and operation of the Stampede Fireworks Display as presented, contingent upon compliance with State Directed Health Measures and insurance requirements. Ayes: Kyle, Davis, Cory, Mike, Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #3: DISCUSSION/ACTION RE: Approve Rick Bauer request for EC Cruisers Car Show and street closure for Saturday, August 22, 2020**

It was moved by Tanner and seconded by Mike to approve the closure of Potter Avenue from Front Street to Tyler Street and Tyler Street from Potter Avenue to Calkins Avenue from 4pm on August 21, 2020 to 8pm on August 22, 2020, contingent upon compliance with State Directed Health Measures. Ayes: Kyle, Davis, Mike, Tanner and Cory. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #4: DISCUSSION/ACTION RE: Approve Alex McDaniel request for Truck Show at Buffalo Stampede and street closure for Saturday, August 15, 2020**

It was moved by Tanner and seconded by Cory to approve the closure of Tyler Street from the south side of Anita Lane to the north side of Calkins Avenue, not including intersections, and Oak Avenue from Tyler Street to the alley ½ block west from 10am to 4pm on Saturday, August 15, 2020, contingent upon compliance with

State Directed Health Measures. Ayes: Kyle, Davis, Mike, Tanner and Cory. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: Coons Saloon to request Buffalo Stampede Street Dance and street closure for Saturday, August 15, 2020**

It was moved by Tanner and seconded by Davis to approve the closure of ½ block of Tyler Street from Highway 30 north to the alley from 8am on Saturday, August 15 to 2am on Sunday, August 16, 2020, contingent upon Directed Health Measures allowing street dances. Ayes: Cory, Davis, Tanner, Mike and Kyle. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Coons Saloon to request approval of SDL for Buffalo Stampede Street Dance Saturday, August 15, 2020**

It was moved by Tanner and seconded by Mike to approve the issuance of a Special Designated License as requested by Coons' Saloon. Ayes: Cory, Davis, Tanner, Mike and Kyle. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #7: DISCUSSION/ACTION RE: Approve funding for 2020 Paving Improvements**

It was moved by Tanner and seconded by Kyle to approve paying cash for the 2020 Paving Improvements – North Bond Street. Ayes: Davis, Tanner, Mike, Kyle and Cory. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Approve Contract with Dan Roeder Concrete for the 2020 Paving Improvements-North Bond Street**

It was moved by Tanner and seconded by Cory to approve the contract with Dan Roeder Construction for the 2020 Paving Improvements – North Bond Street. Ayes: Davis, Tanner, Mike, Kyle and Cory. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Approve Interlocal Agreement for chemical application services with Overton and Resolution 2020-7**

Tanner introduced Resolution 2020-7 and read in full:

Resolution 2020-7

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF OVERTON, NEBRASKA FOR CHEMICAL APPLICATION SERVICES (2020).

WHEREAS, the Village of Elm Creek, Nebraska, is desirous to enter into an Interlocal Agreement with the Village of Overton, Nebraska, for chemical application services for mosquito control; and

WHEREAS, the Village of Overton, Nebraska, is agreeable to entering into an Interlocal Agreement with the Village of Elm Creek to provide said services as provided therein.

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Interlocal Agreement with the Village of Overton, Nebraska, 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 Interlocal Agreement on behalf of the Village.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

VILLAGE OF ELM CREEK, NEBRASKA,

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Tanner Tool, Chairman

ATTEST:

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Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Davis to approve the Interlocal Agreement as presented and to approve Resolution 2020-7. Ayes: Davis, Tanner, Mike, Kyle and Cory. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #10: DISCUSSION/ACTION RE: Approve the correction on the contract with Ravenna Sanitation as a 3 year contract as originally bid**

It was moved by Tanner and seconded by Mike to approve the correction to the contract with Ravenna Sanitation to a three year contract as originally bid. Ayes: Davis, Tanner, Mike, Kyle and Cory. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #11: DISCUSSION/ACTION RE: Solid Waste Collection Agreement, Ordinance 2020-1 and Resolution 2020-8**

Tanner introduced Resolution 2020-8 and read it in entirety:

RESOLUTION 2020-8

A RESOLUTION APPROVING A GARBAGE COLLECTION SERVICES AGREEMENT WITH RAVENNA SANITATION, L.L.C. FOR GARBAGE COLLECTION SERVICES (2020).

WHEREAS, the Village of Elm Creek, Nebraska, is desirous to enter into an agreement for garbage collection services with Ravenna Sanitation, L.L.C.; and

WHEREAS, the Ravenna Sanitation, L.L.C. is agreeable to entering into an agreement for garbage collection services with the Village of Elm Creek to provide said services as provided therein.

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Garbage Collection Services Agreement with Ravenna Sanitation, 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 23<sup>rd</sup> day of July, 2020.

VILLAGE OF ELM CREEK,  
NEBRASKA,

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Tanner Tool, Chairman

ATTEST:

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Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Mike to approve the Solid Waste Agreement with Ravenna Sanitation and to approve Resolution 2020-8. Ayes: Cory, Davis, Tanner, Mike and Kyle. Nays: none. Absent: none. The motion carried.

Tanner then introduced Ordinance 2020-1 entitled:

Ordinance 2020-1

**AN ORDINANCE OF THE VILLAGE OF ELM CREEK, NEBRASKA, TO PROVIDE FOR CLASSIFICATIONS OF USERS OF GARBAGE COLLECTION; TO PROVIDE FOR MONTHLY GARBAGE COLLECTION FEES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR PUBLICATION OR POSTING AND THE EFFECTIVE DATE OF THIS ORDINANCE.**

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA:

**Section One. SECTION 51-16 OF THE MUNICIPAL CODE OF THE VILLAGE OF ELM CREEK IS AMENDED TO READ AS FOLLOWS:**

GARBAGE COLLECTION FEES. AS A MONTHLY GARBAGE COLLECTION FEE TO BE CHARGED EACH USER OF THE MUNICIPAL GARBAGE COLLECTION SYSTEM PROVIDED BY RAVENNA SANITATION, L.L.C. AND COLLECTED BY THE VILLAGE OF ELM CREEK, THE FOLLOWING CLASSES OF USERS AND SCHEDULE OF RATES, FEES, AND CHARGES ARE HEREBY ESTABLISHED AND SET.

**CLASS I USER: RESIDENTIAL USER.\***

A. Weekly Pickup: \$12.50 per month.

B. Toters: a second ninety-six (96) gallon toter will be available upon request to residential customers for an additional monthly rate of \$3.50.

**CLASS II USER: COMMERCIAL, INDUSTRIAL OR SCHOOL USER.\***

A. Monthly Rate for once per week Commercial pick up:

1 Yard	\$29.00
1.5 Yard	\$36.00
2 Yard	\$47.00
3 Yard	\$73.00
4 Yard	\$96.00

\*Commercial Tote, extra service: \$18.00

B. Commercial pick up for two times per week shall be an additional eighty percent (80%) of the monthly rate.

C. Schools within the corporate limits shall be serviced through a combination of commercial containers tailored to the school’s requirements at the above-listed commercial rates.

\*An administrative fee of \$1.00 shall be charged to each user per month.

**Section Two. REPEAL OF CONFLICTING PROVISIONS.** That any Ordinance or section thereof, of any resolution or part thereof, passed and approved prior to passage, approval and publication or posting of this Ordinance and in conflict with its provisions is hereby repealed.

**Section Three. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force on September 1, 2020 and after publication or posting as may be required by law.

Passed and approved this 23<sup>rd</sup> day of July, 2020.

\_\_\_\_\_  
Tanner Tool, Chairperson

(SEAL)

ATTEST:

\_\_\_\_\_  
Wendy Clabaugh, Village Clerk

A motion made by Tanner that the statutory rule requiring reading on three different days be suspended so that the ordinance may be read by title and passed at the same meeting, this motion was seconded by Cory.

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

Tanner read Ordinance 2020-1 by title and moved for final passage. It was moved by Tanner and seconded by Davis to approve Ordinance 2020-1. Ayes: Mike, Kyle, Tanner, Davis and Cory. Nays: none. Absent: none.

The motion carried.

**AGENDA ITEM #12: DISCUSSION/ACTION RE: Appoint Park Advisory Board**

Tabled

**AGENDA ITEM #13: DISCUSSION/ACTION RE: Approve Bid for Pool Repairs**

Tabled



**AGENDA ITEM #14: DISCUSSION/ACTION RE: Budget Discussion**

Suzanne discussed with the board the upcoming budget and some recommendations to the board for future long-term project planning. Also discussed were making some revisions to current policies already in place. Seeing an increase in the employee cash benefit from \$400 to \$600 as this has remained the same since established in 2001. An increase in the annual clothing allowance from \$150 to \$200. And also review and changes to our current pay plan for the 2020FY.

**AGENDA ITEM #15: DISCUSSION/ACTION RE: Revision to One and Six-Year Road Improvement Plan Resolution 2020-11**

Tanner introduced Resolution 2020-11 and read it in entirety:

**Resolution 2020-11  
Resolution of Adoption  
For**

**Revision to One and Six-Year Road Improvement Plan**

At a meeting of the Village Board of Elm Creek, Nebraska, held at 7:30p.m. on July 23, 2020 at the Elm Creek Village Center:

Resolution 2020-11:

Revise the 2020 One and Six-Year Road Improvement Plan to include the following:

<u>Project Number</u>	<u>Description of Modification</u>
<u>M-267(41)</u>	<u>Original project limits on Bond Street from Potter Ave to Calkins Ave. Modify Project limit by extending project limits one block north to include Calkins Ave to Boyd Ave. Project includes removal of existing street and replacement With concrete pavement.</u>

**WHEREAS:**

Notice was made by publication of this discussion item in the regular meeting agenda.

**THEREFORE, BE IT RESOLVED BY THE** Board of Trustees of the Village of Elm Creek, Nebraska, that the data as furnished are hereby in all things accepted and adopted.

**Upon roll call vote as follows:**

Ayes:

Nays:

Date: July 23, 2020

\_\_\_\_\_  
Chairman of the Board

Attest: \_\_\_\_\_  
Village Clerk

It was moved by Tanner and seconded by Cory to approve Resolution 2020-11. Ayes: Davis, Kyle, Cory, Tanner, Mike. Nays: none. Absent: none. The motion carried.

**DEPARTMENT REPORTS**

**BUILDING PERMITS** – Suzanne currently has one that she received that may require some assistance with our attorney.

**EMPLOYEE REPORTS** – Tanner Hemmingsen has passed his CDL tests and has received his CDL. Suzanne has more interviews scheduled next week for utilities positions. Blake has agreed to stay on part time and continue to help with mowing until the end of the season. Current State Directed Health Measures are being monitored daily for any changes. Kyle brought up that the tree and grass piles need tending to and hauled away but also

understands we have been short-staffed and that we did not have anyone staffed at the time with their CDL. He mentioned about hauling grass piles to the landfill and maybe looking into Fox Brothers to come in the fall to grind down the tree piles. Lance discussed the Pay Application#2 with the board. The board felt there needed to be some changes to the Pay Application, Lance will go back to Blessing with the changes and will have this for approval at our Special Meeting on August 6<sup>th</sup>.

**LIBRARY REPORTS** - Suzanne reported that the library is down in circulation and that the library board has overspent on their budget by \$86.00.

**OPEN PUBLIC DISCUSSION** – Joe & Peggy Porter came in to discuss the letter they received from Suzanne regarding the alley north of their house. They would like to have the village get a survey on that. They are fairly certain that not all the alley is the village according to them. Tanner and the board will have staff contact a surveyor to come and survey the alley. Mark Canning would like to have the board come and look at the approach by his garage that Blessing Construction poured. He feels the approach is too high and that it is not going to drain properly. Lance will take a look at it.

**AGENDA ITEM #16: Adjournment**

All agenda items having been considered, it was moved by Kyle and seconded by Mike to adjourn this Regular Meeting. Ayes: Davis, Kyle, Cory, Tanner, Mike. Nays: none. Absent: none. The motion carried and the meeting was adjourned at 8:44p.m.

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Chairman-Elm Creek Village Board

ATTEST:

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Village Clerk

(SEAL)