

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
PUBLIC HEARING MINUTES  
REGULAR MEETING MINUTES  
MARCH 25, 2021, 7:30 P.M.**

A Regular Meeting and 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 7:30 p.m. on March 25, 2021. 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 7:32 p.m. by calling for the roll with the following members responding: Kyle Lawrence, Tanner Tool, Davis Miner, Mike Brown and Michael Strong. Absent: none. Tanner 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 seconded by Mike to open the Public Hearing on the Project Funded by Community Development Block Grant Program at 7:33PM. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

Lori Ferguson with South Central Economic Development District updated the board on the status of the Owner Occupied Rehab Program and answered questions from the board and from the public. No further questions or comments. A motion by Tanner and seconded by Kyle to close the Public Hearing at 7:39PM. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**CONSENT AGENDA**

It was moved by Tanner and seconded by Davis to approve the Consent Agenda consisting of the Claims for the month of March 2021 in the amount of \$59,929.55 and to approve the minutes to the regular meeting and public hearing on February 24, 2021, and the minutes of the Special Meeting on March 17, 2021. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**SHERIFF'S REPORT:**

Captain Robert Anderson with the Buffalo County Sheriff's Department reported there was not much activity to report for February. Colder temperatures kept things slow and quiet.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Consider and approve Audit presented by Dana F Cole & Company**

It was moved by Tanner and seconded by Davis to approve the audit as presented by Ryan Hipke with Dana F Cole & Company. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #2: DISCUSSION/ACTION RE: Resolution approving Cost-Sharing Agreement**

Tanner read in full Resolution 2021-5:

RESOLUTION NO. 2021-5

A RESOLUTION APPROVING A COST SHARING AGREEMENT WITH MICHAEL MITCHELL AND LYNETTE MITCHELL FOR SIDEWALK IMPROVEMENTS AND REPAIRS.

WHEREAS, the Village of Elm Creek, Nebraska, created Sidewalk Improvement District 2014-1 to improve and repair certain sidewalks in Elm Creek.

WHEREAS, all of the improvements and repairs were completed and fifty-percent (50%) of the cost of said improvements and repairs were assessed to the property owners in 2016, except with respect to the property located at 135 North Tyler Street, now owned by Michael and Lynette Mitchell (“Mitchell Property”) due to the condition of the building on said property.

WHEREAS, the improvements and repairs on the sidewalks on the Mitchell property were completed in 2020.

WHEREAS, the Village of Elm Creek is desirous to enter into a Cost Sharing Agreement with Michael Mitchell and Lynette Mitchell in which payment will be made in full by the Mitchells lieu of levying the cost against their property; and

WHEREAS, Michael Mitchell and Lynette Mitchell are agreeable to entering into a Cost Sharing Agreement with the Village of Elm Creek as provided therein.

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Cost Sharing Agreement with Michael Mitchell and Lynette Mitchell, 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 25th day of March, 2021.

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 Kyle to approve Resolution 2021-5. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #3: DISCUSSION/ACTION RE: Status of Water Meter Project**

Tabled.

**AGENDA ITEM #4: DISCUSSION/ACTION RE: Meads Addition estimates for Elm Ave from Easy Street to the Highway Spur**

Tabled.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: One & Six Year Road Improvement Plan Discussion**

Tabled.

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Approve Change Order No. 1 from Midlands Contracting, Inc for the 2021 Sanitary Sewer Improvements-North Bond Street Project #9-M5-7**

It was moved by Tanner and seconded by Davis to Approve Change Order No. 1 from Midlands Contracting, Inc for the 2021 Sanitary Sewer Improvements-North Bond Street Project #9-M5-7 in the amount of \$12,500.00.

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

**AGENDA ITEM #7: DISCUSSION/ACTION RE: Approve Contractor Request for Payment from Midlands Contracting, Inc for the 2021 Sanitary Sewer Improvements-North Bond Street Project #9-M5-7**

It was moved by Tanner and seconded by Kyle to approve Contractor Request for Payment from Midlands Contracting, Inc for the 2021 Sanitary Sewer Improvements-North Bond Street Project #9-M5-7 in the amount of \$40,344.00. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Approve SCEDD Invoice #1156 for general administrative services as part of the Owner Occupied Rehab project**

It was moved by Tanner and seconded by Davis to approve SCEDD Invoice #1156 for general administrative services as part of the Owner Occupied Rehab project in the amount of \$2,900.00.

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

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Approval of Request for CDBG Funds Drawdown #11**

It was moved by Tanner and seconded by Mike Brown to approve request for CDBG Funds Drawdown #11 in the amount of \$2,900.00. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #10: DISCUSSION/ACTION RE: Approve CDS Inspections Invoice #Elm Creek OOR-A09 for housing administrative services as part of the Owner Occupied Rehab project**

It was moved by Tanner and seconded by Davis to approve CDS Inspections & Beyond Invoice #Elm Creek OOR-A09 for housing administrative services as part of the Owner Occupied Rehab project in the amount of \$1,962.42. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #11: DISCUSSION/ACTION RE: Review/Approve Claim from Bates Construction for Application #Elm-HR-03**

It was moved by Tanner and seconded by Mike Brown to approve Claim from Bates Construction for Application #Elm-HR-03 in the amount of \$5,400.00. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #12: DISCUSSION/ACTION RE: Review/Approve Claim from Bates Construction for Application #Elm-HR-04**

It was moved by Tanner and seconded by Kyle to approve Claim from Bates Construction for Application #Elm-HR-04 in the amount of \$10,000.00. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #13: DISCUSSION/ACTION RE: Review/Approve Claim from Bates Construction for Application #Elm-HR-02**

It was moved by Tanner and seconded by Mike Brown to approve Claim from Bates Construction for Application #Elm-HR-02 in the amount of \$11,800.00. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #14: DISCUSSION/ACTION RE: Approval of Request for CDBG Funds Drawdown #12**

It was moved by Tanner and seconded by Davis to approve request for CDBG Funds Drawdown #12 in the amount of \$29,162.42. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #15: DISCUSSION/ACTION RE: Consider and Approve Dangerous Dogs Ordinance**

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 2021-20 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

TANNER - READ ORDINANCE BY TITLE:

**ORDINANCE NO. 2021-20**

**AN ORDINANCE RELATING TO ANIMALS; TO ADD DEFINITIONS; TO PROVIDE FOR THE REGULATION OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS; TO ADD AND REPEAL DEFINITIONS; 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 Michael Strong to adopt Ordinance #2021-20. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #16: DISCUSSION/ACTION RE: Consider approval of an ordinance amending Code Section 72.12 Time Limit**

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 2021-21 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

TANNER - READ ORDINANCE BY TITLE:

**ORDINANCE NO. 2021-21**

**AN ORDINANCE RELATING TO PARKING REGULATIONS; TO AMEND THE TIME LIMIT OF PARKING ON A PUBLIC STREET; 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 adopt Ordinance #2021-21. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #17: DISCUSSION/ACTION RE: Re-appoint Barb Keep to serve on the Library Board**

It was moved by Tanner and seconded by Davis to re-appoint Barb Keep to serve on the Library Board. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #18: DISCUSSION/ACTION RE: Approve the hiring of the Municipal Administrator**

It was moved by Tanner and seconded by Mike Brown to approve the hiring of Everett Butzine as the Municipal Administrator to be effective April 5, 2021, Pay Grade 30, Step 5, at a rate of \$31.35 per hour at 40 hours per week, as per terms of the signed offer letter. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #19: DISCUSSION/ACTION RE: Consider and Approve hiring of Maintenance Personnel for Summer Help**

No action.

**AGENDA ITEM #20: DISCUSSION/ACTION RE: Jan Hinrichsen with Elm Creek Insurance Agency to present Village Board with insurance dividend check**

Jan Hinrichsen with Elm Creek Insurance Agency presented the board with 2 dividend checks totaling \$6,082.70.

**AGENDA ITEM #21: DISCUSSION/ACTION RE: Consider approval of quote for lawn care services at the Village Building & Water Tower out of the General Fund**

No action.

**AGENDA ITEM #22: DISCUSSION/ACTION RE: Consider approval of quote for lawn care services at the Library out of the Library Fund**

No action.

**AGENDA ITEM #23: DISCUSSION/ACTION RE: Consider approval of quote for lawn care services at the Cemetery out of the Cemetery Fund**

It was moved by Tanner and seconded by Mike Brown to approve the quote for lawn care services at the Cemetery from Graczyk Lawn & Landscape as bid in the amount of \$4,611.00 out of the Cemetery Fund. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #24: DISCUSSION/ACTION RE: Consider approval of 1 year lease on a skid steer**

It was moved by Tanner and seconded by Davis to approve the 1 year leases on a skid steer from Bobcat in the amount of \$4,200/year with overage of \$10/day as per quote out of the Street Fund. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**DEPARTMENT REPORTS**

**BUILDING PERMITS-** Adam Pickel submitted his building permit for approval. The board reviewed the permit and all seems to meet our zoning guidelines. The board instructed staff to verify the lot depth of 85 feet to determine rear setback. Staff will also need to verify setbacks once Adam is ready to begin the project. Once staff verifies the setbacks are within our building guidelines, the board has instructed staff to sign and approve the building permit.

**EMPLOYEE REPORTS-**Wendy reported the recycling trailer has been ordered and anticipated delivery date to be 12-14 weeks, we have received 13 lifeguard applications to date and 6 maintenance staff applications for summer help. Tanner asked Davis the status of the basketball hoops and when those will be installed at the tennis courts. Davis said potentially by May. Mike Brown will have the new decals for the village trucks to staff within the next month.

**AGENDA ITEM #25: Adjournment**

All agenda items having been considered, it was moved by Michael Strong and seconded by Mike Brown to adjourn this Regular Meeting. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried and the meeting was adjourned at 9:24p.m.

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Chairman-Elm Creek Village Board

ATTEST:

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Village Clerk

(SEAL)