

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
PUBLIC HEARING MINUTES
REGULAR MEETING MINUTES
APRIL 22, 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 April 22, 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 Kearney Hub, 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, 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 Davis to open both, the Public Hearing on the Proposed Code Amendment Changes to the Village of Elm Creek Zoning and Subdivision Regulations and to open the Public Hearing on the Road Improvement Plan at 7:30 P.M. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

Lance Harter with Oak Creek Engineering discussed with the board and the public the 2021 One & Six Year Road Improvement Plan. With no further questions or comments, a motion by Tanner and seconded by Davis to close the Public Hearing at 7:34PM. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

CONSENT AGENDA

It was moved by Tanner and seconded by Kyle to approve the Consent Agenda consisting of the Claims for the month of April 2021 in the amount of \$159,120.66 and to approve the minutes to the regular meeting and public hearing on March 25, 2021. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

SHERIFF'S REPORT:

Sergeant Ristine with the Buffalo County Sheriff's Department reported there was not much activity to report for March. Colder temperatures kept things slow and quiet. Activity should pick up with the warmer weather coming.

PUBLIC COMMENT– Katy Holland approached the village board about taking into consideration allowing chickens/hens in town. She brought with her sample ordinances on other communities and what they allow. The board will take this under advisement and do some research of their own.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Interview for Municipal Administrator Position

It was moved by Tanner and seconded by Davis to go into executive session at 7:39pm to discuss personnel matters. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried. It was

moved by Tanner and seconded by Mike to come out of executive session at 8:08pm. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and Approve Agreement for Construction Management on the Elm Avenue CDBG 20-PW-002 Project

It was moved by Tanner and seconded by Michael to approve Agreement for Construction Management on the Elm Avenue CDBG 20-PW-002 Project with Miller & Associates Consulting Engineers. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Consider and Approve Agreement for Engineering Services on the Elm Avenue CDBG 20-PW-002 Project

It was moved by Tanner and seconded by Kyle to approve Agreement for Engineering Services on the Elm Avenue CDBG 20-PW-002 Project with Oak Creek Engineering. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Approve Miller & Associates Consulting Engineers Invoice #21 0213 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$5,000.00

It was moved by Tanner and seconded by Mike to approve Miller & Associates Consulting Engineers Invoice #21 0213 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$5,000.00. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Status of Water Meter Project

No action.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Meads Addition estimates for Elm Ave from Easy Street to the Highway Spur

It was moved by Tanner and seconded by Davis to approve quote from Blessing Construction for Meads Addition estimates for Elm Ave from Easy Street to the Highway Spur for \$21,850.00. Ayes: Kyle, Davis, and Tanner. Nays: Mike Brown. Abstain: Michael Strong. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Resolution to Adopt the One & Six Year Road Improvement Plan

Tanner read Resolution 2021-6 in full. It was then moved by Tanner and seconded by Kyle to adopt Resolution 2021-6 for the 2021 One & Six Year Road Improvement Program as presented. Ayes: Kyle, Cory, Mike, Tanner. Nays: none. Absent: Davis. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Consider and approve bid and contract for 2021 Street Patching

It was moved by Tanner and seconded by Mike to reject all bids for the 2021 street patching and to direct staff to renegotiate with bidders. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Consider and approve quote for excavating the north Hwy 30 ditch from the filling station to GD driveway

It was moved by Tanner and seconded by Mike to approve the quote for excavating the north Hwy 30 ditch from the filling station to GD driveway to Blessing Construction for \$5,550.00 with seeding and mulching. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Consider and approve ordinance on code amendments to the Zoning and Subdivision Regulations

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 2021-22 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. 2021-22

AN ORDINANCE OF THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA TO AMEND THE ZONING ORDINANCE FOR THE VILLAGE OF ELM CREEK; TO DEFINE ADULT ENTERTAINMENT; TO AMEND THE LAND USE CATEGORIES/MATRIX RELATED TO ADULT ENTERTAINMENT IN CERTAIN ZONING DISTRICTS AND TO REQUIRE A CONDITIONAL USE PERMIT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE AN EFFECTIVE DATE.

It was moved by Tanner and seconded by Davis to adopt Ordinance #2021-22. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #11: DISCUSSION/ACTION RE: Consider and approve Pay Application 1 to Dan Roeder Concrete for \$78,700.73 for the 2020 Bond Street Paving Improvements Project #9-M5-7

It was moved by Tanner and seconded by Davis to approve Pay Application 1 to Dan Roeder Concrete for \$78,700.73 for the 2020 Bond Street Paving Improvements Project #9-M5-7 to come out of the Highway Allocation Fund Pledge Bond account. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

Agenda item #12 was skipped and went to the Department Reports for discussion and then came back to Agenda item #12 after the Department Report Discussion.

AGENDA ITEM #12: DISCUSSION/ACTION RE: 2nd Interview for Municipal Administrator Position and Personnel Discussion

It was moved by Tanner and seconded by Mike to go into executive session at 9:00pm to discuss personnel matters. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried. It was moved by Tanner and seconded by Davis to come out of executive session at 9:53pm. Ayes: Kyle, Michael, Davis, Mike and Tanner. Nays: none. Absent: none. The motion carried.

DEPARTMENT REPORTS

BUILDING PERMITS- Ron Pickel submitted a building permit for approval. The board reviewed the building permit and Tanner directed staff to look at the building permit to see if it falls within our setbacks and we'll go with that and then staff will need to verify the setbacks when they start their build.

EMPLOYEE REPORTS – Blake started back to work on April 12th and the guys have been busy working on projects. The board asked when the sidewalk in front of The Beacon Observer would be filled back in with concrete and also the patch on Church Street where they worked on the water break. Tanner asked Scott to have them done at the same time.

AGENDA ITEM #13: 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 9:54p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)