

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
SEPTEMBER 23, 2021, 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 September 23, 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 7:30 p.m. by calling for the roll with the following members responding: Tanner Tool, Davis Miner, Mike Brown, Kyle Lawrence 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.

CONSENT AGENDA

It was moved by Tanner and seconded by Davis to approve the Consent Agenda consisting of the Claims for the month of September 2021 in the amount of \$110,925.09 and to approve the minutes to the regular meeting on August 26, 2021 and the Public Hearings, Budget Hearing and Special Meeting on September 9, 2021. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

SHERIFF'S REPORT:

Captain Bob was in attendance to brief the board with the Sheriff's report. There was not much activity to report for the month of August.

PUBLIC COMMENT:

Jack Shubert was in attendance and voiced his concerns regarding some properties in town with tall grass and fireweed and wondered if the board was going to do anything about it. Other concerns of Jack's was in regards to the tree pile and staffing. Tyler Hillmer provided a letter to the board with signatures from most all the residents living in Meads Addition and their concerns regarding the amount of traffic on Elm Ave from Easy Street to the 10E Link. Since the village reworked the street and put down new white rock, the traffic volume has increased as well as the speed of the vehicles at times being well over the 25 mph speed limit. There are some safety concerns there as well as the concerns that the surface will not support the increase in traffic volume. The board will take it under advisement and work with Captain Bob regarding a solution to the reduce increase in traffic and speeds. The residents in Meads Addition are requesting that the village board close the street at the west end permanently to eliminate the high volume of through traffic.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Consider and approve a Resolution approving the transfer of the Telecommunications Franchise

Tanner introduced and read in full Resolution No. 2021-10:

RESOLUTION 2021-10

A RESOLUTION APPROVING THE TRANSFER OF THE TELECOMMUNICATIONS FRANCHISE GRANTED BY THE VILLAGE OF ELM CREEK, NEBRASKA.

FINDINGS

A. The Village of Elm Creek ("Village"), has received a request from Fibervision, LLC ("Fibervision"), to assign to Great Plains Communications, LLC ("GP Comm") the cable television franchise held by Fibervision ("Franchise").

B. The Franchise requires that Fibervision obtain the Village's prior consent for the assignment of the Franchise by Fibervision to GP Comm.

C. Fibervision and GP Comm have properly requested the Village's consent to the assignment and transfer of the Franchise and related assets to GP Comm.

D. GP Comm has the financial, technical, and legal ability to fulfill the obligations of the Franchise, and the assignment of the Franchise to GP Comm will serve the public interest.

ORDINANCE

Based on the above findings, the Village resolves as follows:

1. The Village consents to the transfer to GP Comm of the Franchise and all of Fibervision's rights in and under the Franchise.

2. Upon the closing of the sale of Fibervision's fiber system to GP Comm ("Closing"), GP Comm shall become bound by the Franchise and shall perform and discharge all obligations and duties under the Franchise that arise on and after the Closing.

3. Upon Closing, the Village releases Fibervision from all obligations and liabilities under the Franchise that relate to periods from and after the Closing.

4. GP Comm may: (a) assign or transfer its assets to an entity directly or indirectly controlling, controlled by, or under common control with GP Comm; (b) restructure debt or change the ownership interests among its existing equity holders; (c) pledge or grant to any lender a security interest in GP Comm's assets to secure indebtedness; and (d) sell equity interests in GP Comm or any of GP Comm's affiliates.

5. All Village action necessary to approve this Resolution and the Franchise transfer has been duly and validly taken.

6. This Resolution is effective upon adoption.

Passed and adopted the ____ day of _____, 2021

Chairperson

ATTEST:

Village Clerk

It was moved by Tanner and seconded by Kyle to approve Resolution 2021-10 approving the transfer of the Telecommunications Franchise. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and approve 2022 Community Partner Membership to Economic Development Council of Buffalo County in the amount of \$5,000.00

It was moved by Tanner and seconded by Mike to approve the 2022 Community Partner Membership to Economic Development Council of Buffalo County in the amount of \$5,000.00. Ayes: Michael, Tanner, Davis, Kyle, and Mike. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Appoint Paula Hunt to serve on the Library Board

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

AGENDA ITEM #4: DISCUSSION/ACTION RE: Consider and approve Final Pay Application #4 to Dan Roeder Concrete for the 2020 Bond Street Paving Improvements Project #9-M5-7

Tabled

AGENDA ITEM #5: DISCUSSION/ACTION RE: Consider and approve purchase of generators for 2 lift stations with the ARPA funds

In an effort to improve our infrastructure health and overall safety for the community, staff is recommending that we purchase two (2) generators for our lift station on South Mill Street and for the lift station on West Potter Avenue and to use the funds received from the American Rescue Plan Act. We received 4 quotes from Nebraska Generator Service. For the South Mill Street location we received a quote for a Blue Star Power Systems – Natural Gas 40 kW for \$23,211.96 and a quote for a Cummins-Natural Gas 30 kW for \$17,333.00. For the West Potter Avenue location we received a quote for a Blue Star Systems-Natural Gas 25 KW for \$21,935.38 and a quote for a Cummins-Natural Gas 25 kW for \$16,423.00. As of 9/22/2021, no quotes had been received from NMC Cat. It was moved by Tanner and seconded by Davis to approve the purchase of the two (2) Cummins generators from Nebraska Generator Service, LLC in an amount not to exceed \$34,000.00 using the funds from the American Rescue Plan Act. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

DEPARTMENT REPORTS

BUILDING PERMITS

EMPLOYEE REPORTS – Taylor L’Heureux mentioned the adoption of LB 26 that becomes effective October 1, 2021. LB 26 provides that Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and storage, use, or other consumption in this state of residential water service. As of October 1, 2021, residential water exemption will apply to residential water bills. Sewer fees remain taxable. Adjustments will be made by Wendy to the residential accounts prior to sending out our October bills for our residents October services.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Executive Session for Personnel Matters

It was moved by Tanner and seconded by Davis Miner to go into executive session at 8:01 P.M. to discuss personnel matters and land acquisition. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried. It was moved by Tanner and seconded by Kyle to come out of executive session at 8:26P.M. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #7: Adjournment

All agenda items having been considered, it was moved by Michael Strong and seconded by Mike Brown to adjourn this Regular Meeting. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried and the meeting was adjourned at 8:27p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)