

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
PUBLIC HEARING MINUTES  
OCTOBER 28, 2021, 7:00 P.M.**

A 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 7:00 p.m. on October 28, 2021 to hear public comment regarding the application for final plat for Wells Addition. 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 public hearing to order at 7:02 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. Trenton Snow, Land Surveyor, was at the public hearing representing Lee & Phyllis Wells. The Planning Commission approved their recommendation to the village board to approve the application and the Final Plat at their Public Hearing. A motion by Tanner and second by Davis to close the public hearing and adjourn the meeting at 7:06 P.M. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
OCTOBER 28, 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 October 28, 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: 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 Kyle to approve the Consent Agenda consisting of the Claims for the month of October 2021 in the amount of \$133,410.75 and to approve the minutes to the regular meeting on September 23, 2021 and the Public Hearing and Special Meeting on October 19, 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 September. They will be placing a speed trailer on West Elm Avenue tomorrow.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Resolution of Approval; Application for Final Plat for Wells Addition**

Tanner introduced and read in full Resolution No. 2021-11:

**RESOLUTION 2021-11**

BE IT RESOLVED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA that the plat of "WELLS ADDITION", an addition to the Village of Elm Creek, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska; said subdivision is hereby included within the corporate limits of said Village and shall be and is a part of said Village for all purposes whatsoever, and the inhabitants of such subdivision shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said Village.

PASSED AND APPROVED this 28th day of October, 2021.

ATTEST:

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Tanner Tool, Chairman

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Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Mike to approve application for Final Plat and Resolution 2021-11 as amended. Ayes: Michael, Kyle, Mike and Tanner. Abstain: Davis. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #2: DISCUSSION/ACTION RE: Appoint new member to serve on the Library Board**

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

**AGENDA ITEM #3: 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 in the amount of \$20,876.15**

It was moved by Tanner and seconded by Kyle to approve Final Pay Application #4 to Dan Roeder Concrete for the 2020 Bond Street Paving Improvements Project #9-M5-7 in the amount of \$20,876.15. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #4: DISCUSSION/ACTION RE: Approve and authorize the signing of the Municipal Annual Certification of Program Compliance Form to the Nebraska Board of Public Roads Classifications and Standards 2021 by Resolution**

Tanner introduced and read in full Resolution 2021-12. It was then moved by Tanner and seconded by Davis to approve Resolution 2021-12 to approve the signing of the Municipal Annual Certification. Ayes: Kyle, Davis, Tanner, Michael and Mike. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: Consider and approve design and specs for the CDBG Grant 20-PW-002 Elm Avenue Improvement Project as prepared by Oak Creek Engineering**

It was moved by Tanner and seconded by Michael to approve design and specs for the CDBG Grant 20-PW-002 Elm Avenue Improvement Project as prepared by Oak Creek Engineering and direct staff to put it out for bids. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Consider and approve invoice from Oak Creek Engineering for \$23,730.00 for CDBG Grant 20-PW-002 for the Elm Avenue Paving Improvements**

It was moved by Tanner and seconded by Davis to approve invoice from Oak Creek Engineering for \$23,730.00 for CDBG Grant 20-PW-002 for the Elm Avenue Paving Improvements. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #7: DISCUSSION/ACTION RE: Consider and approve invoice from GD Concrete Construction, Inc for \$72,865.00 for the 2021 Street Patching**

It was moved by Tanner and seconded by Kyle to approve invoice from GD Concrete Construction, Inc for \$72,865.00 for the 2021 Street Patching. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Consider and approve invoice from Complete Roofing & Remodeling, LLC for \$19,485.00 for the pool house roof repairs**

Tabled

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Consider and approve Miller & Associates Consulting Engineers Invoice #21 0990 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 Davis to approve Miller & Associates Consulting Engineers Invoice #21 0990 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$5,000.00. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #10: DISCUSSION/ACTION RE: Consider and approve Resolution 2021-13, approving a vendor agreement for the Low Income Household Water Assistance Program with the State of Nebraska, Department of Health and Human Services (2021)**

Tanner introduced and read full Resolution 2021-13:

RESOLUTION NO. 2021-13

A RESOLUTION APPROVING A VENDOR AGREEMENT FOR THE LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM WITH THE STATE OF NEBRASKA, DEPARTMENT OF HEALTH AND HUMAN SERVICES (2021).

WHEREAS, the Village of Elm Creek, Nebraska, is desirous to enter into the Low Income Household Water Assistance Program ("Program") Vendor Agreement with the State of Nebraska, Department of Health and Human Services ("Agreement"); and

WHEREAS, if approved for enrollment, said Agreement shall govern the purchase of water services from the Village of Elm Creek, Nebraska, on behalf of households eligible for assistance through the Program with

arrearages, rates and fees associated with reconnection or prevention of disconnection of service, and rate reduction for such services.

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Low Income Household Water Assistance Program Vendor Agreement with the State of Nebraska, Department of Health and Human Services, a copy of which is attached hereto, be approved as written, and that Dusty Newton, Administrator of the Village of Elm Creek, is authorized and directed to execute said Agreement on behalf of the Village.

PASSED AND APPROVED this 28<sup>th</sup> day of October, 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 Davis to approve Resolution 2021-13. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

**DEPARTMENT REPORTS**

**BUILDING PERMITS** – Dusty reported we currently have an active permit for a garage and a demo permit for Kelly Florell.

**EMPLOYEE REPORTS** – Lance brought to the boards attention the sewer line that runs across the school property that will need to be moved. Taylor will look into the legalities to see whose responsibility this will be. Also discussed was the Village Agency board would like to be dissolved. Dusty will send over the agreements to Taylor to look into.

It was moved by Tanner and seconded by Davis to go into executive session to discuss properties at 8:36 p.m. Ayes: Michael, Davis, Mike, Kyle 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 9:25 p.m. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

**AGENDA ITEM #11: 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 9:27p.m.

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Chairman-Elm Creek Village Board

ATTEST:

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Village Clerk

(SEAL)