

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
PUBLIC HEARING MINUTES
REGULAR MEETING MINUTES
SEPTEMBER 22, 2022, 7:30 P.M.**

A Public Hearing and 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 22, 2022. 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 both the public hearing and regular meeting to order at 7:30 p.m. by calling for the roll with the following members responding: Tanner Tool, Davis Miner and Michael Strong. Absent: Mike Brown and Kyle Lawrence. Tanner Tool 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.

David Holl with Miller & Associates Consulting Engineers was at the meeting to present for the 2nd Public Hearing on the application for the Community Development Block Grant Program. He briefed the board and public that the Village of Elm Creek received \$435,000 in CDBG funds for street improvements [Activity 03K \$400,000], Construction Management [Activity 03K \$10,000], and General Administration [Activity 21A \$25,000]. The funds benefited low-and-moderate income persons with \$206,600 for Activity 03K, \$5,165 for Activity 03K and \$12,912.50 for activity 21A. The Village of Elm Creek used local funds in the amount of \$904,882, for a total project cost of approximately \$1,339,882. No persons, businesses, or farms were displaced as a result of CDBG-assisted activities. Tanner asked David what the deadline is when the grant closes. David let the board know that the grant closes on October 26th and that all invoices need to be received by that date and work is to be completed by that date. With no further discussion a motion by Tanner and second by Michael to close Public Hearing at 7:34p.m. Ayes: Michael, Tanner, and Davis. Nays: none. Absent: Mike and Kyle. The motion carried.

CONSENT AGENDA

It was moved by Tanner and seconded by Davis to the minutes of the Public Hearing and Regular meeting on August 24, 2022 and the Budget Hearing and Special Meeting on September 13, 2022 and the September 2022 Claims in the amount of \$386,388.92. Ayes: Michael, Tanner, and Davis. Nays: none. Absent: Mike and Kyle. The motion carried.

SHERIFF'S REPORT:

Captain Bob Anderson from the Sheriff's Department was in attendance and reported that while August was a busy month, not so much crime, but quiet here in Elm Creek. The active training at the school went well and they will continue to do more training.

CITIZEN COMMENTS: Denise Ourada and Katie Holland were at the meeting as a follow up to their request for the chicken ordinance. Denise addressed the board to see where the board was at on this process. Dusty informed them that with the budget now completed for the fiscal year that our goal is to nail down a date in October to have a workshop with the village board and the planning commission. Staff has been researching other communities ordinances that allow for chickens and hopefully within the next few weeks will have a workshop scheduled to have something put together.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Oak Creek Engineering update on the Elm Avenue Paving Improvements

Lance Harter and Jesse Reins with Oak Creek Engineering were in attendance and reported to the village board that the project is real close to being completed. There are a few sidewalk ramps, sprinkler heads and grading and seeding. They should be able to get this completed by the end of the month, weather permitting.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and approve Pay Application #4 to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$195,863.40

It was moved by Tanner and seconded by Davis to approve Pay Application #4 to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$195,863.40. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Consider and Approve Miller & Associates Consulting Engineers Invoice #22 0808 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,500.00

It was moved by Tanner and seconded by Michael to approve Miller & Associates Consulting Engineers Invoice #22 0808 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,500.00. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Consider and Approve Miller & Associates Consulting Engineers Invoice #22 0809 for construction management services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,000.00

It was moved by Tanner and seconded by Davis to approve Miller & Associates Consulting Engineers Invoice #22 0809 for construction management services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,000.00. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Consider and Approve Miller & Associates Consulting Engineers Invoice #22 0864 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,500.00

It was moved by Tanner and seconded by Michael to approve Miller & Associates Consulting Engineers Invoice #22 0864 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,500.00. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Consider and Approve Miller & Associates Consulting Engineers Invoice #22 0865 for construction management services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,000.00

It was moved by Tanner and seconded by Michael to approve Miller & Associates Consulting Engineers Invoice #22 0865 for construction management services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$2,000.00. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Approval of Request for CDBG Funds Drawdown #6 for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$69,040.19

It was moved by Tanner and seconded by Davis to approve the request for CDBG Funds Drawdown #6 for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$69,040.19. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Consider and approve Oak Creek Engineering Invoice #22-182 for construction services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$19,067.48

It was moved by Tanner and seconded by Michael to approve Oak Creek Engineering Invoice #22-182 for construction services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$19,067.48. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Oak Creek Engineering update on the Northwest Industrial Development Utility Improvements

Lance Harter and Jesse Reins with Oak Creek Engineering reported to the board that both the water and sewer are in and completed. All that remains to be done is to have them come back and do the seeding.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Consider and approve Pay Application #1 to Van Kirk Bros Contracting for the Northwest Industrial Development Utility Improvements for \$145,800.23

It was moved by Tanner and seconded by Michael to approve Pay Application #1 to Van Kirk Bros Contracting for the Northwest Industrial Development Utility Improvements for \$145,800.23. Ayes: Michael and Tanner. Abstain: Davis. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #11: 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 2022 by Resolution.

Tanner introduced and read in full Resolution 2022-21. It was moved by Tanner and seconded by Davis to approve Resolution 2022-21 to approve the signing of the Municipal Annual Certification. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #12: DISCUSSION/ACTION RE: Consider and approve ordinance on UTV/ATV

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 2022-3 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried. Tanner introduced Ordinance 2022-3 and read by title:

ORDINANCE NO. 2022-3

AN ORDINANCE RELATING TO ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; TO ALLOW THE OPERATION OF ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO CONSOLIDATE THE CURRENT ORDINANCE RELATED TO GOLF CART VEHICLES; TO IMPOSE RESTRICTIONS ON THE USE OF SUCH VEHICLES; TO PROVIDE A REGISTRATION PROCESS; TO ESTABLISH PENALTIES FOR VIOLATIONS; TO PROVIDE A SEVERABILITY CLAUSE; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

It was moved by Tanner and seconded by Davis to approve Ordinance 2022-3 as amended with recommended changes. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #13: DISCUSSION/ACTION RE: Transfer \$281,137.71 from general fund to park fund

It was moved by Tanner and seconded by Davis to transfer \$281,137.71 from general fund to park fund. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #14: DISCUSSION/ACTION RE: Transfer \$787,905.79 from general fund to street fund

It was moved by Tanner and seconded by Michael to transfer \$787,905.79 from general fund to street fund. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

AGENDA ITEM #15: DISCUSSION/ACTION RE: Transfer \$150,000 from the FirstTier Bank money market account general fund to the FirstTier Bank checking account general fund

It was moved by Tanner and seconded by Davis to transfer \$150,000 from the FirstTier Bank money market account general fund to the FirstTier Bank checking account general fund. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried.

DEPARTMENT REPORTS

BUILDING PERMITS – No building permits besides a shed permit that we just received.

EMPLOYEE REPORTS – Dusty asked the board if October 5th would work for them to schedule a workshop with the Planning Commission for the chicken ordinance. The board suggested that Dusty pick a few dates and email the village board and planning commission members to see what date works best for everyone. Dusty updated the board that we received the grant on the Red Top property for the asbestos removal. The board directed staff to put it out for bids and have a bid opening prior to our October regular meeting and to have Larry Gydesen at the meeting. The board then asked Lance and Jesse what the Park Pathway deadline was and if TL Sund would have it completed by then. They reported that the deadline is November 15th and were reassured by TL Sund that it would be complete by then.

AGENDA ITEM #16: Adjournment

All agenda items having been considered, it was moved by Michael Strong and seconded by Davis Miner to adjourn this Regular Meeting. Ayes: Michael, Davis, and Tanner. Nays: none. Absent: Kyle and Mike. The motion carried and the meeting was adjourned at 8:49 p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)