

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
APRIL 26, 2018, 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 April 26, 2018. 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. Chairman Jim Gunderson called the meeting to order at 7:30 p.m. by calling for the roll with the following members responding: Jim Gunderson, Tanner Tool, Davis Miner, and Cory Halliwell. Absent: Mike Brown. Jim announced that the Open Meeting Laws were in the hallway leading to the meeting room for the public's inspection.

**CONSENT AGENDA**

It was moved by Jim and seconded by Davis to approve the Consent Agenda consisting of the minutes of the Regular Meeting on March 22, 2018 and approval of the Claims for the month of April 2018 in the amount of \$59,400.24. Ayes: Jim, Tanner, Cory, Davis. Nays: None. The motion carried.

**DEPARTMENT REPORTS**

**EMPLOYEE REPORTS:** Clint reported that the 2 gentlemen that he has contacted about crushing concrete have not shown up to crush the concrete at the lagoons. NDEQ says we need to get the damn done up or they will get us for a violation. This is the second warning we have received. The board told Clint to give Bob a couple of days and if he doesn't call or show up we may have to haul it out, have it crushed and bring it back in ourselves. Wendy reported the NIFA quarterly report has been sent out regarding the progress on our surveys and housing study.

**SHERIFF'S REPORT:** Captain Bob Anderson was at the end of the meeting to report on behalf of the Buffalo County Sheriff's Department. He stated that they are willing to help with the enforcement of our codes and newly passed trailer ordinance.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Dana F Cole & Company Village Audit**

Shannon Peard with Dana F Cole presented the Audit Report to the Village Board. Shannon gave a brief summary of their findings. It was moved by Jim and seconded by Tanner to approve the Audit Report from Dana F Cole and Company. Ayes: Jim, Davis, Cory and Tanner. Nays: none. The motion carried.

**AGENDA ITEM #2: DISCUSSION/ACTION RE: Kelly's Auto**

Kelly and Robin Florell were at the meeting to discuss with the board the auto shop on Potter Avenue. Kelly updated the board on the progress they have made to start cleaning up the salvage yard. The board is willing to give him an extension in time to get this cleaned up. Kelly reported all repairs to the building have been completed. He will no longer be operating his salvage storage anymore out of this location. Kelly is planning to offer storage lots to the public on a monthly basis for campers, boats, and trailers. He would also like to have 3 to 4 shipping containers for his auto parts inventory. Board was okay with the shipping containers as long as they are uniform in color similar to his building. He is trying to sell the pickup boxes. Kelly had questions for Clint about adding a restroom to the east side and

where the sewer line was located. Clint will check into it. It was moved by Jim and seconded by Tanner to allow Kelly's Auto till June 1<sup>st</sup> to clear out the salvage. Ayes: Jim, Davis, Cory and Tanner. Nays: none. The motion carried.

**AGENDA ITEM #3: DISCUSSION/ACTION RE: Elm Creek Youth Football**

Josh Frizzell and John Worthing spoke on behalf of Elm Creek Youth Football. They have the opportunity to purchase the football gear from the Holdrege Optimist. There are approximately 65 sets of equipment and racks to store the gear and they are asking \$3,000 for it all. They are in the process of setting a legal entity right now to continue the youth football and they are just starting the process of looking for donations to assist with the purchase of the equipment. The board needed more time to think it over and has tabled this and will add this to our May agenda.

**AGENDA ITEM #4: DISCUSSION/ACTION RE: Wheel loader**

Clint and the board have discussed purchasing a wheel loader in the past. Clint was asking the board their thoughts on how much they would like to purchase one so Clint knows what his budget is. Tanner called a friend to check into pricing and loading capacity. Tanner and Davis were thinking around the \$70,000 to \$80,000 price range. The rest of the board agreed that was a good start for Clint to look and see what is available.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: Water Tower Maintenance Program**

Clint spoke with a gentleman with Maguire Iron at the conference he attended about the water tower maintenance program. He was willing to come and speak to the board about the benefits of the program. The board asked Clint to call him and have him on the agenda at the May meeting.

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Purchase Garbage Carts**

Tabled

**AGENDA ITEM #7: DISCUSSION/ACTION RE: North Well Flow Meter**

It was moved by Jim and seconded by Tanner to allow the repairs of the North well flow meter not to exceed \$2,750.00. Ayes: Jim, Tanner, Davis, Cory. Nays: none. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Trailer and Camper Ordinances**

Jim introduced Ordinance by Title and designated it as Ordinance Number 2018-3:

**ORDINANCE NO. 2018-3**

**AN ORDINANCE RELATING TO THE PARKING OF SEMI-TRAILERS; TO DEFINE SEMI-TRAILER; TO AMEND THE PARKING RESTRICTIONS OF CHAPTER 153; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CHAIRPERSON OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA.

**Section One. Village of Elm Creek, Nebraska Code of Ordinances § 153.01 DEFINITIONS** shall be amended with the addition of the following to be inserted alphabetically:

**SEMI-TRAILER.** Truck trailer supported at the rear by its own wheels and at the front by a fifth wheel mounted to a tractor or a dolly.

**Section Two. Village of Elm Creek, Nebraska Code of Ordinances § 153.09 PROHIBITED PARKING** shall be repealed in its entirety and amended to read as follows:

- (A) It shall be unlawful for any person to park any trailer, coach, travel trailer, camper, or converted bus on any official street, avenue, road, alley, or highway within the corporate limits for a period of time in excess of two hours, and then only between the hours of sunrise and sunset, and subject to any other further prohibitions, regulations, or limitations imposed by the traffic parking regulations as any resolution of the governing body may provide relating thereto.
- (B) It shall be unlawful for any semi-trailer to park on any official street, avenue, road, alley, or highway within the corporate limits for a period of time in excess of one hour and shall only be for the purposes of making deliveries, unloading or loading, in the business district.
- (C) It shall be unlawful for all trailers, owned for personal or commercial use, not specifically defined within Section 153.01, to park on any official street, avenue, road, alley or highway within the corporate limits for a period of time in excess of twenty-four hours.

**Section Three.** Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section Four.** This ordinance shall be published and shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this 26th day of April, 2018.

VILLAGE OF ELM CREEK:

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Jim Gunderson, Chairman

ATTEST:

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Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Cory to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2018-3 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Jim, Tanner, Cory, and Davis. Nays: none. The motion carried.

It was called to question as to the adopting Ordinance No. 2018-3. It was moved by Jim and seconded by Davis to adopt Ordinance No. 2018-3 parking of semi-trailers; to define semi-trailer; to amend the parking restrictions of chapter 153; to repeal all ordinances or parts of ordinances in conflict herewith; and to provide an effective date. Ayes: Jim, Tanner, Cory, and Davis. Nays: none. The motion carried and Ordinance No. 2018-3 is duly adopted by the Village of Elm Creek, Nebraska.

Jim introduced Ordinance by Title and designated it as Ordinance Number 2018-4:

**ORDINANCE NO. 2018-4**

**AN ORDINANCE OF THE VILLAGE OF ELM CREEK, NEBRASKA, TO REPEAL THE VILLAGE OF ELM CREEK CODE OF ORDINANCES TITLE VII, CHAPTER 72, SECTION 72.16 DOLLYING DOWN SEMI-TRAILERS ON PUBLIC STREETS AND ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

BE IT ORDAINED BY THE CHAIRPERSON OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA:

**Section One. THE VILLAGE OF ELM CREEK CODE OF ORDINANCES TITLE VII, CHAPTER 72, SECTION 72.16 DOLLYING DOWN SEMI-TRAILERS ON PUBLIC STREETS AND ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.**

**Section Two. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force on April 26, 2018 and after publication or posting as may be required by law.

PASSED AND APPROVED this 26th day of April, 2018.

VILLAGE OF ELM CREEK:

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Jim Gunderson, Chairman

ATTEST:

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Wendy Clabaugh, Village Clerk

It was moved by Jim and seconded by Davis to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2018-4 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Jim, Tanner, Cory, and Davis. Nays: none. The motion carried.

It was called to question as to the adopting Ordinance No. 2018-4. It was moved by Jim and seconded by Tanner to adopt Ordinance No. 2018-4 to repeal the Village of Elm Creek Code of Ordinances Title VII,

Chapter 72, Section 72.16 Dollyng Down Semi-Trailers on Public Streets and any Ordinance or Parts of Ordinances in Conflict Herewith are Hereby Repealed. Ayes: Jim, Tanner, Cory, and Davis. Nays: none. The motion carried and Ordinance No. 2018-4 is duly adopted by the Village of Elm Creek, Nebraska.

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Executive Session**

It was moved by Jim and seconded by Tanner to go into executive session at 9:06pm to discuss personnel. Ayes: Jim, Tanner, Davis, Cory. Nays: none. The motion carried. It was moved by Jim and seconded by Davis to come out of executive session at 10:56pm. Ayes: Jim, Cory, Tanner, Davis. Nays: none. The motion carried.

**AGENDA ITEM #10: Adjournment**

All agenda items having been considered, it was moved by Tanner and seconded by Cory to adjourn this Regular Meeting. Ayes: Jim, Cory, Tanner, Davis. Nays: none. The motion carried and the meeting was adjourned at 10:57p.m.

ATTEST:

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Chairman-Elm Creek Village Board

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Village Clerk

(SEAL)