

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
PUBLIC HEARING MINUTES
SEPTEMBER 26, 2018, 7:00 P.M.**

PUBLIC HEARING

Chairman Jim Gunderson opened the Public Hearing at 7:02pm by calling for the roll with the following members responding: Jim Gunderson, Tanner Tool, Mike Brown, Davis Miner and Cory Halliwell. Absent: None. Jim announced that the Open Meeting Laws were in the hallway leading to the meeting room for the public's inspection.

Lori Ferguson with South Central Economic Development District was present to discuss with the Board and the Public in regards to the application to the Nebraska Department of Economic Development for a Community Development Block Grant. This grant is available to local governments for community/economic development activities which the village is currently applying for an Owner Occupied Rehabilitation Grant. With no further questions, it was moved by Jim and seconded by Davis to close the Public Hearing at 7:33pm.

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
SEPTEMBER 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 September 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 7:34 p.m. by calling for the roll with the following members responding: Jim Gunderson, Tanner Tool, Davis Miner, Cory Halliwell and Mike Brown. Absent: none. 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 Tanner to approve the Consent Agenda consisting of the minutes of the Regular Meeting on August 23, 2018, the Budget Hearing and Special Meeting on September 12, 2018 and approval of the Claims for the month of September 2018 in the amount of \$129,966.78. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

DEPARTMENT REPORTS

EMPLOYEE REPORTS

SHERIFF'S REPORT

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Village of Overton request Street Sweeping

It was moved by Jim and seconded by Tanner to allow Overton the use of the street sweeper operated by Jim Mitchell at a pay of \$20/hour. Overton will also be responsible for the cost of the fuel, the purchase of the main brooms and gutter brooms and will be charged \$200/day. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Kelly Gewecke to discuss Leadership

No action.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Action items related to Grant Application

It was moved by Tanner and seconded by Mike to Adopt Resolution Authorizing Chief Elected Official to Sign an Application for CDBG Funds. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

It was moved by Tanner and seconded by Cory to approve and Adopt the Citizen Participation Plan. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

It was moved by Tanner and seconded by Davis to approve the Residential Anti-Displacement and Relocation Assistance Plan. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

It was moved by Tanner and seconded by Mike to approve the Four Factor Analysis requirement concerning Limited English Proficiency. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

It was moved by Tanner and seconded by Jim to approve the Owner Occupied Housing Rehabilitation Program Guidelines that have been developed in accordance with the rules and regulations of the CDBG program. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Mark Canning request/application for change of zoning

It was moved by Tanner and seconded by Jim to approve the application for a change of zoning. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Rezoning Ordinance

Jim introduced Ordinance by Title and designated it as Ordinance Number 2018-21.

ORDINANCE NO. 2018-21

AN ORDINANCE OF THE VILLAGE OF ELM CREEK, BUFFALO COUNTY, NEBRASKA, CHANGING A CERTAIN ZONING AREA WITHIN THE VILLAGE; PROVIDING FOR CHANGES TO THE ZONING MAP; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT.

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

SECTION 1. That pursuant to the recommendation of the Elm Creek Planning Commission, the following-described property, to-wit:

Lot Eighteen (18), Nineteen (19), Twenty (20) and the West one-half (W1/2) of Lot Twenty-One (21), Block Four (4), in Arendt's First Addition to the Village of Elm Creek, Buffalo County, Nebraska. (described hereinafter as "Real Estate")

shall hereinafter be designated as General Commercial District (C-2) subject to the restrictions and limitations stated herein and shall be governed by the General Commercial District regulations of the official Zoning Ordinance of the Village.

SECTION 2. That said Real Estate shall have a setback requirement of twenty-five (25) feet on the south side of said Real Estate and a setback requirement of ten (10) feet on the west, north and east sides of said Real Estate. The north side of said Real Estate being adjacent to the alley. That said Real Estate shall at all times maintain a six (6) foot tall screened in privacy fence on the west and east sides that border adjacent real property that is currently zoned as Residential Medium Density District (R-2). That said Real Estate shall at all times maintain a six (6) foot tall screened in privacy fence on the north and south sides only as to that portion of the property that lies adjacent to any building situated on said Real Estate so that the required fence may limit visibility from the street or alley for those areas of said Real Estate where personal property items may be stored and located and no fence shall be required directly in front of or directly behind of any building situated on said Real Estate.

SECTION 3. That these said zoning restrictions and requirements contained herein shall supersede and modify any zoning restrictions and requirements contained in General Commercial District (C-2) that are in conflict hereto as to said Real Estate.

SECTION 4. That the Official Zoning Map of the Village of Elm Creek, Nebraska, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 5. That this ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

SECTION 6. That any ordinances in conflict herewith are hereby repealed.

Dated this 26th day of September, 2018.

Jim Gunderson, Chairman

ATTEST:

Wendy Clabaugh, Village Clerk

It was moved by Jim and seconded by Mike to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2018-21 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: none. The motion carried.

It was called to question as to the adopting Ordinance No. 2018-21. It was moved by Jim and seconded by Davis to adopt Ordinance No. 2018-21. Nays: none. The motion carried and Ordinance No. 2018-21 is duly adopted by the Village of Elm Creek, Nebraska.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Building Permit Ordinance

Jim introduced Ordinance by Title and designated it as Ordinance Number 2018-22.

ORDINANCE NO. 2018-22

AN ORDINANCE RELATING TO BUILDING PERMITS; SPECIFYING CERTAIN IMPROVEMENTS THAT REQUIRE AN APPLICATION FOR A BUILDING PERMIT; 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, NEBRASKA.

Section One. Village of Elm Creek, Nebraska Code of Ordinances § 152.20 is to be repealed in its entirety and the following section shall be inserted and amended to read as follows:

§ 152.20 GENERAL. Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building, dwelling, or outside structure including but not limited to fences, self-storage units, carports and cement pads, satellite dish, or antenna or cause the same to be done, shall file with the municipal clerk an application for a building permit. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and other such information as may be requested thereon. The application, plans, and specifications so filed with the Municipal Clerk shall be checked and examined by the governing body, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the governing body shall authorize the Municipal Clerk to issue the said applicant a permit upon the payment of the permit fee set by resolution of the governing body. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

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

Section Three. 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 September, 2018.

Chairman

ATTEST:

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. 2018-22 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: none. The motion carried.

It was called to question as to the adopting Ordinance No. 2018-22. It was moved by Jim and seconded by Davis to adopt Ordinance No. 2018-22. Nays: none. The motion carried and Ordinance No. 2018-22 is duly adopted by the Village of Elm Creek, Nebraska.

Jim introduced Ordinance by Title and designated it as Ordinance Number 2018-23.

ORDINANCE NO. 2018-23

AN ORDINANCE RELATING TO ZONING PERMITS; SPECIFYING CERTAIN IMPROVEMENTS THAT REQUIRE AN APPLICATION FOR A ZONING PERMIT; TO RENUMBER A SECTION; 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, NEBRASKA.

Section One. Village of Elm Creek, Nebraska Zoning Regulations Article 10 Section 9.04.01 is to be repealed in its entirety and the following section shall be renumbered, inserted and amended to read as follows:

Section 10.04.01 It shall be unlawful to commence the excavation for the construction of any building, accessory buildings or outdoor structures, including, but not limited to, fences, self-storage units, carports and cement pads, until the Zoning Administrator has issued a zoning permit for such work.

Section Two. Village of Elm Creek, Nebraska Zoning Regulations Article 10 Section 9.04.02 is to be renumbered and amended to read as follows: 10.04.02.

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 September, 2018.

Chairman

ATTEST:

Village Clerk

It was moved by Tanner and seconded by Mike to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2018-23 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: none. The motion carried.

It was called to question as to the adopting Ordinance No. 2018-23. It was moved by Jim and seconded by Mike to adopt Ordinance No. 2018-23. Nays: none. The motion carried and Ordinance No. 2018-23 is duly adopted by the Village of Elm Creek, Nebraska.

AGENDA ITEM #7: DISCUSSION/ACTION RE: VFD Purchase for South Well

It was moved by Jim and seconded by Davis to approve the quote from Municipal Automation & Control for the purchase of the VFD for the South Well in the amount of \$6,981.00 plus applicable taxes. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Phone and Internet Proposals

It was moved by Tanner and seconded by Jim to go with Charter Communications (Spectrum) for our phone and internet provider services. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Setting up utilities/mandatory claims on Autopay

It was moved by Jim and seconded by Davis to approve setting up the following bills on autopay: Black Hills Energy, Charter Communications, DPPD, NPPD, US Cellular and Wex Bank. Ayes: Jim, Tanner, Cory, Mike and Davis. Nays: None. The motion carried.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Executive Session

It was moved by Jim and seconded by Cory to go into executive session at 9:50pm to discuss Building Permit Process/Website. Ayes: Jim, Tanner, Davis, Mike and Cory. Nays: none. The motion carried. It

was moved by Jim and seconded by Davis to come out of executive session at 11:00pm. Ayes: Jim, Mike, Tanner, Cory and Davis. Nays: none. The motion carried.

AGENDA ITEM #11: Adjournment

All agenda items having been considered, it was moved by Tanner and seconded by Mike to adjourn this Regular Meeting. Ayes: Jim, Mike, Tanner, Cory and Davis. Nays: none. The motion carried and the meeting was adjourned at 11:02p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)