

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
MARCH 28, 2019, 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 March 28, 2019. 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. Davis Miner called the meeting to order at 7:40 p.m. by calling for the roll with the following members responding: Kyle Lawrence, Davis Miner, Cory Halliwell, and Mike Brown. Absent: Tanner Tool (but arrived later in the evening to attend). Davis 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 Davis and seconded by Cory to approve the Consent Agenda consisting of the minutes of the One & Six Public Hearing and Regular Meeting on February 28, 2019 and approval of the Claims for the month of March 2019 in the amount of \$40,050.98. Ayes: Kyle, Davis, Cory and Mike. Nays: none. Absent: Tanner. The motion carried.

DEPARTMENT REPORTS

EMPLOYEE REPORTS: It was discussed to move the April Regular meeting to Wednesday, April 24th at 7:30pm. SHERIFF'S REPORT: Nothing significant to report. Captain Bob did comment on the recent flooding on what he saw and was reported to him and that the village faired well.

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Approve contract with South Central Economic Development District, Inc for Grant Administration services not to exceed \$25,000.00 for the OOR grant. (CDBG #18-HO-34054)

It was moved by Davis and seconded by Mike to approve contract with South Central Economic Development District, Inc for Grant Administration services not to exceed \$25,000.00 for the OOR grant. (CDBG #18-HO-34054). Ayes: Cory, Davis, Kyle and Mike Nays: none. Absent: Tanner. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: USA Communications request to run Fiber and provide services to the community

Tyler Cretacci, Field Engineer with USA Communications discussed with the board potentially providing the residents and businesses of Elm Creek with their internet and phone services. They are requesting to lease space on village property to house a 10x12 building for their equipment. The board requested that Tyler schedule a time to meet with Clint to find a reasonable location that would be suitable to both parties before taking action on any agreements with USA Communications. No action taken.

AGENDA ITEM #3: DISCUSSION/ACTION RE: NPPD Possible Action on KAAPA Project

Stan Clouse, along with Corey McIntosh and Chris Rohrich discussed with the village board on the KAAPA project. Currently KAAPA is located outside of our service territory and their power is supplied by DPPD. If they move forward with their project, the new build will be located inside our service territory that NPPD could

service but currently does not have their system built out there yet. NPPD would require a Conditional Waiver with DPPD for them to service it until NPPD could or DPPD will continue to service if our Village Board is okay with that since it is in our service territory. NPPD recommended that arrangements be made to have DPPD collect and pay to the village the lease payments that would be due if it were NPPD servicing them as it will be located in our service territory. The lease payments would be approximately \$6,000.00.

AGENDA ITEM #4: DISCUSSION/ACTION RE: NPPD Retail Operations Agreement

At the last meeting Mike Brown requested some new light poles from NPPD or looking into the costs to have them replaced. There are approximately 28 poles and the costs to replace would be too expensive. NPPD did get a quote to have the poles repainted which would cost approximately \$6,000 to \$7,000 at their expense. The board was in agreement to have NPPD paint the poles. It was then moved by Kyle and seconded by Davis to approve the NPPD Retail Operations Agreement as presented with no changes. Ayes: Cory, Davis, Kyle and Mike Nays: none. Absent: Tanner. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Moving Village CD's from Farmers & Merchants Bank to the village Tier II Money Market account at FirstTier Bank to earn higher interest rate

Karmen Meier with FirstTier Bank thoroughly discussed with the board the Village of Elm Creek's balance and pledging report and how the funds are currently covered by FDIC and the securities pledged on the remaining uninsured deposits. She also discussed various options with the board on the different accounts and rates that were currently being offered. No action taken at this time.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Audit presented by Dana F Cole & Company

It was moved by Davis and seconded by Kyle to approve the Audit presented by Shannon Peard with Dana F Cole & Company. Ayes: Kyle, Davis, Cory, and Mike. Nays: none. Absent: Tanner. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Oak Creek Engineering Agreement

It was moved by Mike and seconded by Cory to approve the Agreement for Professional Services as presented by Oak Creek Engineering for engineering services for Calkins Ave. from Bond Street to Easy Street and Easy Street from Calkins Ave to Boyd Ave in Elm Creek, NE. Ayes: Kyle, Cory, Davis, and Mike. Nays: none. Absent: Tanner. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Continue with Weed Control Services provided by Graczyk Lawn & Landscape

It was moved by Mike and seconded by Davis to approve and continue with the weed control services provided by Graczyk Lawn & Landscape for \$1,900.00 at the park and ball fields. Ayes: Kyle, Cory, Davis, and Mike. Nays: none. Absent: Tanner. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Hiring of Lifeguards

Amber Taylor and the board discussed the hiring of the lifeguards. Amber typically renews the Learn to Swim Fee through the American Red Cross and then submits receipt for reimbursement and the board is good with this again this year. The board was also okay with paying for the lifeguards certifications and renewals as we have done in the past. Amber also requested from the board if she could be reimbursed for her scheduler software that she uses to help with the scheduling of the lifeguards is approximately \$80 for the summer. The board is okay with that request too. It was then moved by Davis and seconded by Tanner to hire Amber Taylor as Pool Manager at \$16.00/hour; the following as Assistant Pool Managers -Tara Fouts at \$12.25/hour, Caitlin Callan at \$12.00/hour, Sharlene Gronewold at \$12.75/hour. Lifeguards hired at \$9.50/hour are: Megan Warner, Hannah Carr, Hallie Gutzwiller, Sydney Hubbard, Ashley Brown, Morgan Sindt, Haley Stone, Reagan Meier, Maci McCarter, Autumn Hubbard. Lifeguards hired at \$9.00/hour are: Skylar Gronewold, Denise Hunt,

Blair Kampovitz, Avery Sindt, Emily Smith, Gabriele Trampe and Jordyn Trampe. Ayes: Tanner, Davis, Kyle and Cory. Nays: None. Abstain: Mike. The motion carried.

AGENDA ITEM #10: DISCUSSION/ACTION RE: Hiring of Summer Help

Tabled.

AGENDA ITEM #11: DISCUSSION/ACTION RE: Model Ordinances

American Legal provides to the Village Model Ordinances from the League of Nebraska Municipalities passed in 2018 for our review and to be adopted and updated in our code books to harmonize with Nebraska State Law. Ordinances 2019-1 through 2019-9 were reviewed by Taylor L'Heureux, Village Attorney.

It was moved by Tanner and seconded by Davis to suspend the statutory rule requiring that Ordinances be read on three separate occasions, so that Ordinance No. 2019-1 through 2019-9 might be introduced, read by title 3 times, and adopted at the same meeting. Ayes: Kyle, Mike, Cory, Tanner, and Davis. Nays: none. The motion carried.

ORDINANCES 2019-1 THROUGH 2019-9:

1. **Ordinance No. 2019-1** AN ORDINANCE RELATING TO FIRE DEPARTMENTS; REMOVING THE REQUIREMENT THAT FIRE DEPARTMENTS FILE IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT IN AND FOR THE COUNTY A CERTIFIED COPY OF THE ROLLS OF THEIR RESPECTIVE COMPANIES SO AS TO OBTAIN FOR THE MEMBERS THEREOF THE PRIVILEGE OF THE EXEMPTION FROM MILITIA DUTY IN TIME OF PEACE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
2. **Ordinance No. 2019-2** AN ORDINANCE RELATING TO TRAFFIC AND ROADS; CHANGING THE RURAL HIGHWAY CLASSIFICATION OF MAJOR ARTERIAL TO INCLUDE SUPER-TWO HIGHWAYS AND CHANGING MAXIMUM HIGHWAY SPEED LIMITS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
3. **Ordinance No. 2019-3** AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; ADDING BOTTLE CLUB LICENSEES TO THE REQUIREMENT OF FREQUENT INSPECTION; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
4. **Ordinance No. 2019-4** AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; ADDING BOTTLE CLUBS TO LICENSE PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
5. **Ordinance No. 2019-5** AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; ADDING BOTTLE CLUBS TO THE RESTRICTIONS OF CONSUMPTION IN PUBLIC PLACES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
6. **Ordinance No. 2019-6** AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; AUTHORIZING CITIZEN COMPLAINTS REGARDING BOTTLE CLUB LICENSEES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
7. **Ordinance No. 2019-7** AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; ADDING BOTTLE CLUBS TO LICENSE RENEWAL PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

8. **Ordinance No. 2019-8** AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; ADDING BOTTLE CLUBS TO LOCATION RESTRICTIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
9. **Ordinance No. 2019-9** AN ORDINANCE RELATING TO ABANDONED VEHICLES; ADDING NEW PROVISIONS RELATED TO REMOVING ABANDONED VEHICLES FROM PRIVATE PROPERTY; REVISING PROVISIONS RELATING TO REMOVING ABANDONED VEHICLES FROM PUBLIC PROPERTY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

It was called to question as to the adopting Ordinance No. 2019-1 through 2019-9. It was moved by Tanner and seconded by Cory to adopt Ordinance No. 2019-1 through 2019-9. Nays: none. The motion carried and Ordinances duly adopted by the Village of Elm Creek, Nebraska.

AGENDA ITEM #12: DISCUSSION/ACTION RE: FFA Raised Garden Beds at Library

It was moved by Tanner and seconded by Davis to allow the FFA to use the library grounds for the raised garden beds. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #13: DISCUSSION/ACTION RE: Clerk Computer

It was moved by Tanner and seconded by Davis to purchase Option 1. 2019 Newest Dell Premium Business Flagship Desktop PC with Keyboard and Mouse Intel Core i5-7400 Processor 12GB DDR4 RAM 1TB 7200RPM HDD Intel 630 Graphics DVD-RW HDMI VGA Bluetooth Windows 10 Pro-Black for \$820.08 with the trade-in allowance of \$75.00 from SGS Innovations. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #14: DISCUSSION/ACTION RE: Renting Equipment for Street Repairs

It was moved by Tanner and seconded by Mike to approve renting the necessary equipment for the street repairs for \$6178.00 from Bobcat or Construction rental. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #15: DISCUSSION/ACTION RE: Executive Session

It was moved by Tanner and seconded by Cory to go into executive session at 9:53pm to discuss legal matters. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried. It was moved by Tanner and seconded by Cory to come out of executive session at 10:44pm. Ayes: Kyle, Davis, Cory, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #16: Adjournment

All agenda items having been considered, it was moved by Kyle and seconded by Mike to adjourn this Regular Meeting. Ayes: Davis, Kyle, Cory, Tanner and Mike. Nays: none. The motion carried and the meeting was adjourned at 10:46p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)