

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
JULY 25, 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 July 25, 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. Tanner Tool called the meeting to order at 7:30 p.m. by calling for the roll with the following members responding: Kyle Lawrence, Davis Miner, Cory Halliwell, Tanner Tool and Mike Brown. Absent: none. Tanner 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 Tanner and seconded by Cory to approve the Consent Agenda consisting of the Claims for the month of July 2019 in the amount of \$109,500.79. Ayes: Kyle, Davis, Cory, Tanner and Mike. Nays: none. The motion carried. It was moved by Tanner and seconded by Kyle to approve the Consent Agenda consisting of the minutes of the Regular Meeting on June 27, 2019. Ayes: Kyle, Davis, Cory, Tanner and Mike. Nays: none. The motion carried.

SHERIFF'S REPORT: Captain Bob reported for the Sheriff's Department. Not much activity the month of June but July has been busier with the rains. They continue to work with the trailer situation. The current CSO has been hired by KPD so they are working on training with a new one. They will also be reviewing the Golf Cart Ordinance and the ATV Ordinance in Elm Creek.

PUBLIC HEARING ON APPLICATION OF CLASS C LIQUOR LICENSE FOR COONS SALOON LLC dba COONS SALOON

To hear public comments on the Class C Liquor License Application.

Tanner opened the Public Hearing at 7:40pm and asked if anyone in the public had any questions or comments as to the application for a Class C Liquor License by Coons Saloon. There were no questions or comments and Public Hearing was closed at 7:42pm. Motion to close by Tanner and seconded by Kyle. Ayes: Cory, Davis, Kyle, Tanner and Mike Nays: none. The motion carried.

AGENDA ITEM #1: DISCUSSION/ACTION RE: Discussion and recommendation on the application of the Class C Liquor License for Coons Saloon LLC dba Coons Saloon

It was then moved by Tanner and seconded by Mike to approve the application for the Class C Liquor License for Coons Saloon LLC dba Coons Saloon. Ayes: Cory, Davis, Kyle, Tanner and Mike Nays: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Coons Saloon LLC Street Dance and truck show

Kelly Coons will be doing the truck show and depending on the number of entries will have them line up similar to where the car show has in the past. Kelly will work with Tim on blocking off necessary streets for Truck Show and with Bull & Barrel for the Street Dance. Agenda item 2 has been modified due to timing of the event and licensing requirements, the Street Dance will be hosted by Bull & Barrel this year. It was moved by Tanner

and seconded by Davis to modify agenda 2 and allow Bull & Barrel for the Street Dance. Ayes: Cory, Davis, Kyle, Tanner and Mike Nays: none. The motion carried. It was moved by Tanner and seconded by Mike to approve the application for SDL by Bull & Barrel contingent upon the Nebraska Liquor Commission approval. Ayes: Cory, Davis, Kyle, Tanner and Mike Nays: none. The motion carried.

PUBLIC HEARING ON THE SUBSTANDARD AND BLIGHT STUDY FOR THE VILLAGE OF ELM CREEK

To hear testimony and public comments on whether CRA Area #1 should be declared Substandard and Blighted

Tanner opened the Public Hearing at 7:53pm.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Discussion and recommendation on the proposed Substandard and Blight Study

Tabled to the August 12, 2019 meeting.

REGULAR AGENDA

AGENDA ITEM #4: DISCUSSION/ACTION RE: Approve Creation Community Development Agency and Ordinance 2019-17

Board Member Tanner Tool introduced Ordinance No. 2019-17 entitled:

Ordinance No. 2019-17

An ordinance of the Village of Elm Creek, Nebraska creating the Community Development Agency for the Village of Elm Creek, Nebraska, designating the membership thereof, and establishing the powers of such Community Development Agency; repealing all other conflicting ordinances or parts of ordinances; and providing for publication and for an effective date of this ordinance.

BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTIEES OF THE VILLAGE OF ELM CREEK, NEBRASKA:

SECTION 1. There is hereby established pursuant to section 18-2101.01 of the *Nebraska Revised Statutes* (Reissue 2012) a Community Development Agency for the Village of Elm Creek, Nebraska.

SECTION 2. The elected trustees of the are hereby designated to be the Community Development Agency for the Village.

SECTION 3. The chair of the Board of trustees shall be the chairperson of the Community Development Agency; the vice chair of the board of trustees shall be the vice chairperson; and the Village clerk shall be the secretary of the Community Development Agency.

SECTION 4. The Community Development Agency shall have the power and authority to exercise those powers and authority granted to a community redevelopment authority under sections 18-2101 to 18-2154 of the Nebraska Revised Statutes. The Community Development Agency shall also have the power and authority to do all community development activities, and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as a grantee, or as an agent or otherwise, under the provisions of the Federal Housing and Community Development Act of 1974, as amended through the Housing and Community Development Amendments of 1981. The Community Development

Agency may levy taxes for the exercise of such jurisdiction and authority and may issue general obligation bonds, general obligation notes, revenue bonds, and revenue notes including those general obligation and revenue refunding bonds and notes for the purposes set forth in such sections and under the powers granted to any community redevelopment authority described therein.

SECTION 5. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. That this ordinance shall take effect and shall be in full force from and after its passage, approval and publication in pamphlet form according to law.

PASSED AND APPROVED this _____ day of _____, 2019.

Chair

Attest:

Village Clerk

and moved that the statutory rule requiring reading on three different days be suspended. Board Member Davis Miner seconded the motion to suspend the rule and upon roll call vote on the motion the following Board Members voted YEA: Kyle, Mike, Cory, Tanner, and Davis. The following voted NAY: none. The motion to suspend the rule was adopted by three-fourths of the Board and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was then read by title and thereafter Board Member Tanner Tool moved for final passage of the ordinance, which motion was seconded by Board Member Davis Miner. Upon roll call vote, the following Board Members voted YEA Kyle, Mike, Cory, Tanner, and Davis. The following voted NAY: none. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Chairperson declared the ordinance adopted and the Chairperson in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed the Clerk's signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein.

AGENDA ITEM #5: DISCUSSION/ACTION RE: EC Cruisers Car Show

It was then moved by Tanner and seconded by Kyle to approve the EC Cruisers Car Show on August 24, 2019 with the closing of the streets from 2am to 6pm and closing Potter Avenue from Tyler Street to Church Street and closing Tyler Street from Potter Avenue to Calkins Avenue and closing Potter Avenue from Tyler Street to the alley. Ayes: Cory, Davis, Kyle, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Noah Hubbard Stampede Fireworks

It was then moved by Tanner and seconded by Davis to approve \$2,000 in Keno Funds for the fireworks on Friday August 16, 2019 and the village will provide the insurance coverage for the fireworks. Ayes: Cory, Davis, Kyle, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Veteran's Memorial Flag Poles

Tabled to next regular meeting

AGENDA ITEM #8: DISCUSSION/ACTION RE: Memorial Bench for John Hahn

It was moved by Tanner and seconded by Cory to approve the bench and location for the Memorial Bench for John Hahn. Ayes: Cory, Davis, Kyle, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Eric Tappan Variance Request on Portable Building

It was moved by Tanner and seconded by Davis to deny variance request for Portable Building at 435 N Mill Street. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #10: DISCUSSION/ACTION RE: USA Communications Lease Agreement

Tabled.

AGENDA ITEM #11: DISCUSSION/ACTION RE: Street Patching quote from GD Construction

It was moved by Tanner and seconded by Kyle to approve quote from GD Construction for \$7.50/sqft for the following sections of emergency patchwork for circumstances from this year's storms. 930SF on Boyd Ave between Pettet and Bond for \$6975.00. 360SF on Boyd Ave between Bond and Church for \$2700.00. For a grand total of \$9675.00 because there is an emergency need. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

It was moved by Tanner and seconded by Cory to approve quote from GD Construction for \$7.50/sqft for the following sections of patchwork. 710SF on Bond Ave between Calkins Ave and Boyd Ave for \$5325.00. And 360SF on Calkins Ave between Bond and Church for \$2700.00. For a grand total of \$8025.00 because there is an emergency need. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #12: DISCUSSION/ACTION RE: Review bids for Sunrise Street Place Water/Sewer Improvements

There were 2 bids received. Midlands Contracting bid of \$77,085.50 total with early completion date of October 15, 2019. Myer Construction bid of \$213,047.54 with the same early completion date. This action item has been tabled to the August special meeting.

AGENDA ITEM #13: DISCUSSION/ACTION RE: Create Street Paving District for Sunrise Street Place

Tabled to the August regular meeting.

AGENDA ITEM #14: DISCUSSION/ACTION RE: Review One & Six Plans for 2020 Fiscal Year

No action

AGENDA ITEM #15: DISCUSSION/ACTION RE: Approve application to DEQ for recycled rubber grant

It was moved by Tanner and seconded by Davis to approve application to DEQ for recycled crumb rubber playground mulch grant for \$9,975.00. Ayes: Kyle, Cory, Davis, Tanner and Mike. Nays: none. The motion carried.

AGENDA ITEM #16: DISCUSSION/ACTION RE: Parking Restrictions Downtown

Tabled.

AGENDA ITEM #17: DISCUSSION/ACTION RE: Second Class City status discussion

No action

DEPARTMENT REPORTS

BUILDING PERMITS: Mike Brown was requesting a sign permit. He will submit the sign permit once plans are completed.

EMPLOYEE REPORTS: Tim requested the board’s approval to have Johnson Service come and camera the lines on Easy Street. The preliminary quote to camera the lines is \$1.50/ft. There is approximately 2500 ft from Calkins Ave going to the north end. Potentially would cost \$3750.00. The board has approved Tim to purchase lights for trucks and barricades. Tim also reported that there is a leak at the pool needing addressed once the pool closes on August 11th for the season. Suzanne is continuing the library work and anticipates it’s opening by Stampede weekend. The board has requested to have the water meter discussion on the August Agenda.

AGENDA ITEM #18: Adjournment

All agenda items having been considered, it was moved by Mike and seconded by Kyle to adjourn this Regular Meeting. Ayes: Davis, Kyle, Cory, Tanner and Mike. Nays: none. The motion carried and the meeting was adjourned at 10:21p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk

(SEAL)