

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
BUDGET HEARING
PUBLIC HEARING
SEPTEMBER 16, 2020, 7:30 P.M.**

A Special 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 7:35 p.m. on September 16, 2020. Advance Notice of this hearing was given in advance thereof by posting of Notice in three public places within the Village and publication in the Kearney Hub, as shown in the Affidavit of Publication 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 Tanner Tool opened the 2020-2021 Budget Hearing at 7:36pm with a second by Davis Miner. Tanner called for the roll with the following members responding: Kyle Lawrence, Tanner Tool, Mike Brown, Davis Miner and Cory Halliwell. Absent: None. Tanner 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.

The board reviewed the 2020-2021 Budget that was prepared by Dana F. Cole accounting firm. Ryan Hipke from the Dana F Cole accounting firm was present at the hearing to give the board a brief overview of the Budget document and to answer any and all questions they may have. Ryan noted on page 1 that the Total Personal & Real Property amount had increased 6% from last year to \$227,170 but the levy remained the same at \$0.37 per \$100 of assessed value. He noted that the 6% increase was due to an increase in property valuations in the county. He noted the total Bonded Indebtedness at \$844,095 with interest for our current bonds. Ryan gave an overview of the following pages of the budget document and where his budget numbers derived from. The village needs to keep their cash reserve to 50% or less which we currently are at 45% as we have money set aside for future capital improvements. Suzanne mentioned that the reserves that are set aside could be for the Elm Avenue project if we do not get the grant, we can use the money in the reserve account to pay for the street. Suzanne pointed out on page 11 of the Budget that our Municipality Levy is at \$0.32 and that state statute allows for a maximum levy of \$0.45 plus \$0.05 for interlocal agreements. Ryan stated that the village has kept their levy lower than most of the communities who do hold the maximum levy amounts allowed. With no further questions from the board or the public, it was moved by Tanner and seconded by Kyle to close the Budget Hearing at 7:46pm. Ayes: Kyle, Davis, Tanner, Cory, and Mike. Nays: none. The motion carried.

AGENDA

AGENDA ITEM #1: Passage of Resolution to Set Final Property Tax Request at an Amount that Differs from the Prior Year Request

Tanner introduced and read in full Resolution No. 2020-12:

RESOLUTION SETTING THE PROPERTY TAX REQUEST

RESOLUTION NO. 2020-12

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the Village of Elm Creek passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the Village of Elm Creek, Nebraska, resolves that:

1. The 2020-2021 property tax request be set at \$227,170.

2. The total assessed value of property differs from last year's total assessed value by 6%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.35 per \$100 of assessed value.
4. The Village of Elm Creek proposes to adopt a property tax request that will cause its tax rate to be \$0.37 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the Village of Elm Creek will increase from last year's by 53%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2020.

Motion by Tanner Tool, seconded by Cory Halliwell to adopt Resolution #2020-12. Voting Yes were: Davis Miner, Mike Brown, Kyle Lawrence, Cory Halliwell, and Tanner Tool. Voting No were: None.

Dated this 16th day of September, 2020.

Board Chairperson

ATTEST:

Clerk/Treasurer

A motion by Tanner and seconded by Cory to pass Resolution No. 2020-12 to set the final property tax request at an amount that differs from the prior year request. Ayes: Kyle, Davis, Tanner, Cory, and Mike. Nays: none. The motion carried.

AGENDA ITEM #2: Passage of Ordinance to Adopt the Budget Statement for 2020-2021 Fiscal Year

Tanner then introduced an Ordinance by Title and designated it as Ordinance No. 2020-12. A motion by Tanner and seconded by Mike to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2020-12 might be introduced, read by title 3 times and adopted at the same meeting.

VILLAGE OF ELM CREEK

ELM CREEK, NEBRASKA

ORDINANCE NO. 2020-12

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2020, through September 30, 2021. As sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the Village of Elm Creek, Nebraska. A copy of the budget document shall be

forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and adopted this 16th day of September, 2020.

Board Chairperson

ATTEST:

Board Secretary

Tanner then read Ordinance 2020-12 by title. It was called to question as to the adopting Ordinance No. 2020-12 adopting the 2020-2021 Budget. It was moved by Tanner and seconded by Davis to adopt Ordinance No. 2020-12 adopting the budget for the fiscal year 2020-2021. Ayes: Kyle, Tanner, Cory, Davis and Mike. Nays: none. The motion carried and Ordinance No. 2020-12 is duly adopted by the Village of Elm Creek, Nebraska.

A motion by Tanner to open the Public Hearing for a Conditional Use Permit Request at 7:50PM and seconded by Kyle. Ayes: Kyle, Davis, Tanner, Cory, and Mike. Nays: none. The motion carried.

Suzanne Brodine gave a brief overview of the property South of Highway 30, West of Buffalo Trail, North of Clark Avenue and East of Highway 183. Property is presently zoned as Industrial. It is currently used as grain handling by CHS. CHS filed for a building permit to add a scale which triggered the need for a Conditional Use Permit. A Conditional Use Permit would be required as the current zoning does not allow for grain handling and storage without a CUP and new or expanded services and construction must comply with current zoning and subdivision regulations. Suzanne referred to the list of recommendations that were included in the board packet which was also provided to CHS. Copies were provided to the adjacent property owners during the Planning Commission meeting. Planning Commission recommend the Village Board approve the CUP based on the recommendations listed with the requirement that after 12 months CHS meet again with the Planning Commission and Village Board to review and reassess the traffic circulation and discuss the potential to add more trees abutting the property lines as was suggested by CHS in their proposed site plan. Suzanne only recommended trees along the southeast corner of CHS property abutting the property owners' homes. CHS has proposed a tree line along the south and east side of their property. Ernesto Montalvo, Grain Operations Manager and Allen Mintzmeyer, Safety Specialist were present from CHS to assure the board that they would comply with all the recommendations listed in the CUP. They have already ordered and paid for 8 foot trees that will be installed by Earl May in around October 4th or 5th. They will cover all drives with white rock with the exception of the area at the loading and unloading site. Detention cell areas and storm water channels will have vegetation/grass. CHS will have magnesium chloride liquid sprayed on the dirt as needed to help keep the dust down in high winds. They will also have a water truck on site so if the winds start to blow the dust, they can spray the area down. There will be no more bagged storage. By adding this scale on the south side, there will no longer be a need for the circle storage south of the Village Center which they had been using. This will take care of the dust issues and the trucks continuously crossing highway 30.

It was moved by Tanner and seconded by Davis to close the Public Hearing at 8:05PM. Ayes: Kyle, Davis, Tanner, Cory, and Mike. Nays: none. The motion carried.

AGENDA ITEM #3: Approval of a Conditional Use Permit request made by CHS, Inc. for grain handling services

It was moved by Tanner and seconded by Kyle to approve the Conditional Use Permit as presented with additional items considered: down cast lighting, discontinuation of north site grain storage, and traffic control measures. The CUP shall be for a period of one (1) year, with the option to extend for an additional two, two-year periods until September 25, 2025. The Planning Commission and Village Board will then review the CUP at a minimum of 30 days prior to the renewal date. At review, conditions may be altered, added, or removed. Ayes: Kyle, Davis, Tanner, Cory, and Mike. Nays: none. The motion carried.

AGENDA ITEM #4: Consider and approve request for variance

Adam Pickel was at the meeting to request a variance on a garage site at 500 W Elm Avenue. Suzanne reviewed Adam’s property and his plans for his garage. Adam is requesting a variance setback reduction to 16ft to the north/rear and a variance reduction to 4ft to the east of his property to build an attached garage that will be 30ft x 45ft. Zoning regulations require a minimum 8 foot setback from the side lot lines and a minimum rear yard of 25 feet. The lot will allow for a new attached garage 26 feet wide and 36 feet deep without a variance. The Planning Commission recommend approval the variance in the rear yard for the 16 feet pending information from NPPD on the rear lot utility easement location. The planning commission recommended denial of the side yard variance request. It was moved by Tanner and seconded by Davis to deny the Variance Request submitted by Adam Pickel. Ayes: Tanner and Mike. Nays: Kyle, Davis, and Cory. The motion carried. The board requested that Adam be added to next week’s agenda and come to the next board meeting on the 24th and to bring a better scaled drawing of what he is requesting so the Board may reconsider the issue.

AGENDA ITEM #5: Blessing Construction Final Pay Application #3

It was moved by Tanner and seconded by Davis to approve Blessing Construction Final Pay Application #3 in the amount of \$4,436.86 for the 2019 Paving Improvements-Easy Street and Calkins Avenue out of the 2019 Highway Allocation Fund Pledge Bond Account. Ayes: Kyle, Davis, Tanner, Cory, and Mike. Nays: none. The motion carried.

AGENDA ITEM #6: Adjournment

All agenda items having been considered, it was moved by Kyle and seconded by Mike to adjourn this Special Meeting. Ayes: Kyle, Tanner, Cory, Mike, and Davis. Nays: none. The motion carried and the meeting was adjourned at 8:31p.m.

Chairman-Elm Creek Village Board

(SEAL)

ATTEST: _____
Village Clerk