

**VILLAGE OF ELM CREEK  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
JANUARY 28, 2021, 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 January 28, 2021. 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 7:34 p.m. by calling for the roll with the following members responding: Kyle Lawrence, Tanner Tool, and Michael Strong. Absent: Davis Miner and Mike Brown. 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.

**CONSENT AGENDA**

It was moved by Tanner and seconded by Kyle to approve the Consent Agenda consisting of the Claims for the month of January 2021 in the amount of \$98,439.72 and to approve the minutes to the regular meeting on December 16, 2020. Ayes: Kyle, Michael, and Tanner. Nays: none. Absent: Davis and Mike Brown. The motion carried.

**SHERIFF'S REPORT:**

Sergeant Valenzuela with the Buffalo County Sheriff's Department doesn't have anything significant to report for the month of December. It was a busy month but nothing significant.

**REGULAR AGENDA**

**AGENDA ITEM #1: DISCUSSION/ACTION RE: Consider and approve amendments to the Zoning and Subdivision Regulations**

Tabled

**AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and approve of Blight and Substandard Study and adoption of Redevelopment Area #2**

Tabled

**AGENDA ITEM #3: DISCUSSION/ACTION RE: Status of Water Meter Project**

Tabled

**AGENDA ITEM #4: DISCUSSION/ACTION RE: Bond Street Sanitary Sewer Project**

It was moved by Tanner and seconded by Michael to approve the 2021 Bond Street Sanitary Sewer Improvement to Midland Contracting, Inc in the amount of \$29,454.00. Ayes: Kyle, Michael, and Tanner. Nays: none. Absent: Davis and Mike Brown. The motion carried.

**AGENDA ITEM #5: DISCUSSION/ACTION RE: Appoint New Village Agency Board Member to fill Open Seat**  
Tabled

**AGENDA ITEM #6: DISCUSSION/ACTION RE: Resolution for Stop Sign on Boyd Avenue, eastbound, at the intersection with Mill Street**

Tanner read in full Resolution 2021-2.

RESOLUTION NO. 2021-2

A RESOLUTION OF THE VILLAGE OF ELM CREEK, NEBRASKA PROVIDING FOR THE PLACEMENT OF STOP SIGNS WITHIN THE MUNICIPALITY'S JURISDICTION AND REPEALING ANY RESOLUTIONS IN CONFLICT HEREWITH.

WHEREAS, the Statutes of the State of Nebraska allow municipalities to control and regulate traffic within their municipal limits; and

WHEREAS, Elm Creek Municipal Code § 71.10 authorizes the Board of Trustees of the Village of Elm Creek, by resolution, to provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the municipality's jurisdiction for the purpose of regulating or prohibiting traffic thereon; and

WHEREAS, Elm Creek Municipal Code § 71.10 provides that such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited, the regulation or prohibition, the location where the sign, signal, standard, or mechanical device shall be placed, and the hours when the regulation or prohibition shall be effective; and

WHEREAS, the Board of Trustees desires to set and provide for the placement of stop signs on the roadways within its municipal jurisdiction; and

WHEREAS, the Board of Trustees finds that the stop signs set forth below are for the purpose of general safety of its citizens and other members of the general public;

NOW, THEREFORE BE IT RESOLVED, BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ELM CREEK, NEBRASKA:

SECTION 1: Stop signs shall be placed on the municipality's roadways as follows:

- a. One way stop should be placed at the following intersection for the regulation of said intersection:
  1. The Intersection of Boyd Avenue and Mill Street for the East bound traffic.
- b. The regulation presented by this stop sign shall be effective at all times.

SECTION 2. The Street & Alley Department of the Village of Elm Creek is hereby authorized and directed to erect the necessary signs as required by this resolution.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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Tanner Tool, Chairman

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Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Kyle to approve Resolution 2021-2. Ayes: Kyle, Michael, and Tanner. Nays: none. Absent: Davis and Mike Brown. The motion carried.

**AGENDA ITEM #7: DISCUSSION/ACTION RE: Personnel Manual**

It was moved by Tanner and seconded by Michael to approve the changes to the Personnel Manual. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #8: DISCUSSION/ACTION RE: Approve Policy #015 Access to Public Buildings and Records**

It was moved by Tanner and seconded by Kyle to approve Policy #015 Access to Public Buildings and Records. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #9: DISCUSSION/ACTION RE: Approve Marvin Planning Consultants, Inc Invoice #1056 for work completed on the Blight and Substandard Study in regards to Redevelopment Area #2**

It was moved by Tanner and seconded by Michael to approve Marvin Planning Consultants, Inc Invoice #1056 for work completed on the Blight and Substandard Study in regards to Redevelopment Area #2 in the amount of \$2,700.00. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #10: DISCUSSION/ACTION RE: Interlocal Agreement**

Tanner read in full Resolution 2021-1.

RESOLUTION NO. 2021-1

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF AMHERST, NEBRASKA FOR WATER SYSTEM AND WASTEWATER SYSTEM OPERATOR SERVICES (2021).

WHEREAS, the Village of Elm Creek, Nebraska, is desirous to enter into an Interlocal Agreement with the Village of Amherst, Nebraska, for water system and wastewater system operator services; and

WHEREAS, the Village of Amherst, Nebraska, is agreeable to entering into an Interlocal Agreement with the Village of Elm Creek to provide said services as provided therein.

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Interlocal Agreement with the Village of Amherst, Nebraska, a copy of which is attached hereto, be

approved as written, and the Chairman of the Village Board of Trustees is authorized and directed to execute said Interlocal Agreement on behalf of the Village.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

VILLAGE OF ELM CREEK, NEBRASKA,

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Tanner Tool, Chairman

ATTEST:

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Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Michael to approve Resolution 2021-1. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #11: DISCUSSION/ACTION RE: Approve Recycling Trailer Purchase**

Tabled

**AGENDA ITEM #12: DISCUSSION/ACTION RE: Approve Contractor Request for Payment from GD Concrete for the Potter Sidewalk Improvements Project #9-M5-1**

It was moved by Tanner and seconded by Michael to approve Contractor Request for Payment from GD Concrete for the Potter Sidewalk Improvements Project #9-M5-1 in the amount of \$19,070.00. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #13: DISCUSSION/ACTION RE: Approve CDS Inspections Invoice #Elm Creek OOR-A08 for housing administrative services as part of the Owner Occupied Rehab project**

It was moved by Tanner and seconded by Kyle to approve CDS Inspections Invoice #Elm Creek OOR-A08 for housing administrative services as part of the Owner Occupied Rehab project in the amount of \$1,340.00. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #14: DISCUSSION/ACTION RE: Review/Approve Claim from Bates Construction for Application #Elm-HR-04**

It was moved by Tanner and seconded by Kyle to approve Claim from Bates Construction for Application #Elm-HR-04 as part of the Owner Occupied Rehab project in the amount of \$12,500.00. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #15: DISCUSSION/ACTION RE: Review/Approve Claim from Bates Construction for Application #Elm-HR-05**

It was moved by Tanner and seconded by Kyle to approve Claim from Bates Construction for Application #Elm-HR-05 as part of the Owner Occupied Rehab project in the amount of \$10,900.00. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #16: DISCUSSION/ACTION RE: Approval of Request for CDBG Funds Drawdown #10**

It was moved by Tanner and seconded by Michael to approve Request for CDBG Funds Drawdown #10 in the amount of \$24,740.00. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

**AGENDA ITEM #17: DISCUSSION/ACTION RE: Model Ordinances**

It was moved by Tanner and seconded by Kyle to suspend the statutory requirements that an ordinance be read on three separate occasions, so that ordinances 2021-1 through 2021-19 might be introduced, read by number and called for passage at the same meeting. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried. Tanner then read each ordinance by number and title.

1. 2021-1 AN ORDINANCE RELATING TO INSPECTIONS OF RETAIL LICENSEES AND BOTTLE CLUB LICENSES; ADDING PROVISIONS ALLOWING INSPECTIONS OF CHARTER BUSES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
2. 2021-2 AN ORDINANCE RELATING TO THE POWERS AND DUTIES OF CITIES AND VILLAGES REGARDING ALCOHOLIC BEVERAGE LICENSES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
3. 2021-3 AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE LICENSEE REQUIREMENTS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
4. 2021-4 AN ORDINANCE RELATING TO CITY/VILLAGE CLERK; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
5. 2021-5 AN ORDINANCE RELATING TO THE CITY/VILLAGE TREASURER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
6. 2021-18 AN ORDINANCE RELATING TO THE COLLECTION AGENCY ACT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
7. 2021-19 AN ORDINANCE RELATING TO MOTOR VEHICLE FEES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
8. 2021-6 AN ORDINANCE RELATING TO REQUIREMENTS FOR POLL WATCHERS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
9. 2021-7 AN ORDINANCE RELATING TO PROPOSED BUDGET STATEMENTS; TO REVISE HEARING PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
10. 2021-8 AN ORDINANCE RELATING TO PUBLICIZED NOTICE OF MEETINGS OF A PUBLIC BODY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

11. 2021-9 AN ORDINANCE RELATING TO SPECIAL ELECTIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
12. 2021-10 AN ORDINANCE RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
13. 2021-11 AN ORDINANCE RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
14. 2021-12 AN ORDINANCE RELATING TO SALE OF TOBACCO AND CIGARETTES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
15. 2021-13 AN ORDINANCE RELATING TO SALE OF TOBACCO AND CIGARETTES; CHANGING LEGAL AGE TO BUY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
16. 2021-14 AN ORDINANCE RELATING TO USE OF TOBACCO AND CIGARETTES; CHANGING LEGAL AGE TO USE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
17. 2021-15 AN ORDINANCE RELATING TO THE DISCONTINUANCE OF UTILITY SERVICE OF THE CITY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
18. 2021-16 AN ORDINANCE RELATING TO THE PLANNING COMMISSION OF THE VILLAGE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
19. 2021-17 AN ORDINANCE RELATING TO THE RECALL PROCEDURES FOR VILLAGE ELECTIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

It was moved by Tanner and seconded by Michael to adopt Ordinances 2021-1 through 2021-19 as Ordinances of the Village of Elm Creek. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried.

#### **DEPARTMENT REPORTS**

**BUILDING PERMITS**- none at this time

**EMPLOYEE REPORTS**-Suzanne reported that the Park Board met and they would like to see sidewalk from the parking on Tyler go thru to the park area. They would also like to see lights at the playground area. Suzanne reported that notices were mailed out to residents that have been carrying an outstanding utility bill balance requesting they take care of this or water services will be shut off. She has given them plenty of time to get this taken care of. Kyle brought up the discussion regarding the sidewalk program the board rolled out last year, according to Brodine, no one ever turned in an application. A couple residents picked up an application but we never received one back. Tanner requested that the meeting in February be moved up to Wednesday, February 24<sup>th</sup> at 7:30pm. He also requested to have Suzanne start running employment ads right away for Municipal Administrator position.

**OPEN PUBLIC DISCUSSION** –No public comments

**AGENDA ITEM #18: Adjournment**

All agenda items having been considered, it was moved by Kyle and seconded by Michael to adjourn this Regular Meeting. Ayes: Kyle, Tanner and Michael. Nays: none. Absent: Davis and Mike. The motion carried and the meeting was adjourned at 8:49p.m.

ATTEST:

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Chairman-Elm Creek Village Board

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Village Clerk

(SEAL)