

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
OCTOBER 27, 2022, 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 October 27, 2022. 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 regular meeting to order at 7:32 p.m. by calling for the roll with the following members responding: Tanner Tool, Davis Miner, Mike Brown, Kyle Lawrence, and Michael Strong. Absent: none. Tanner Tool 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 Davis to approve the minutes of the Public Hearing and Regular meeting on September 22, 2022 and the October 2022 Claims in the amount of \$160,448.30. Ayes: Michael, Tanner, Davis, Mike and Kyle. Nays: none. Absent: none. The motion carried.

SHERIFF'S REPORT: None

REGULAR AGENDA

AGENDA ITEM #1: DISCUSSION/ACTION RE: Resolution of Approval; Resolution Accepting a Bid on the Asbestos Removal at 340 E Front Street

This item was tabled as we did not receive three bids for the project. We will re-bid the project.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Resolution of Approval; Resolution approving Cemetery Rules and Regulations

Resolution 2022-23 was introduced and read in full by Tanner.

RESOLUTION NO. 2022-23

A RESOLUTION APPROVING AND ADOPTING THE VILLAGE OF ELM CREEK CEMETERY RULES AND REGULATIONS (2022).

WHEREAS, the Village of Elm Creek, Nebraska, owns and manages the Elm Creek Cemetery; and

WHEREAS, the Board of Trustees of the Village of Elm Creek, Nebraska is desirous to adopt rules and regulations governing the use and operation of the Elm Creek Cemetery in order to ensure the perpetuity and peace of the Cemetery and to protect lot owners and the final resting place of loved ones;

NOW, THEREFORE BE IT RESOLVED, by the Village of Elm Creek Board of Trustees, that the Village of Elm Creek Cemetery Rules and Regulations, a copy of which is attached hereto, shall be approved as written and adopted as of the date of this Resolution.

PASSED AND APPROVED this 27th day of October, 2022.

VILLAGE OF ELM CREEK, NEBRASKA,

ATTEST:

Wendy Clabaugh, Village Clerk

It was moved by Tanner and seconded by Kyle to approve Resolution 2022-23. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Consider and Approve Miller & Associates Consulting Engineers Invoice #22 0949 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$1,000.00

It was moved by Tanner and seconded by Kyle to approve Miller & Associates Consulting Engineers Invoice #22 0949 for general administrative services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$1,000.00. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Consider and Approve Miller & Associates Consulting Engineers Invoice #22 0950 for construction management services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$500.00

It was moved by Tanner and seconded by Davis to approve Miller & Associates Consulting Engineers Invoice #22 0950 for construction management services as part of the CDBG 20-PW-002 Elm Avenue Street Improvements for \$500.00. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #5: DISCUSSION/ACTION RE: Consider and Approve Pay Application #5 to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$160,571.85

It was moved by Tanner and seconded by Michael to approve Pay Application #5 to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$160,571.85. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #6: DISCUSSION/ACTION RE: Consider and Approve Pay Application #6-Final to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$85,479.85

It was moved by Tanner and seconded by Davis to approve Pay Application #6-Final to Nielsen Contracting for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$85,479.85. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #7: DISCUSSION/ACTION RE: Approval of Request for CDBG Funds Drawdown #7 for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$27,268.37

It was moved by Tanner and seconded by Davis to approve the request for CDBG Funds Drawdown #7 for the Elm Avenue Paving Improvements, CDBG 20-PW-002 for \$27,268.37. Ayes: Michael, Davis, Kyle, Mike and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #8: DISCUSSION/ACTION RE: Transfer \$250,000 from the FirstTier Bank money market account general fund to the FirstTier Bank checking account general fund

It was moved by Tanner and seconded by Davis to transfer \$250,000 from the FirstTier Bank money market account general fund to the FirstTier Bank checking account general fund. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #9: DISCUSSION/ACTION RE: Approve and authorize the signing of the Year-End Certification of City Street Superintendent Form by Resolution

Tanner introduced and read in full Resolution 2022-24. It was then moved by Tanner and seconded by Mike to approve Resolution 2022-24 to approve the signing of the Year-End Certification of City Street Superintendent Form. Ayes: Tanner, Mike, Davis, Michael and Kyle. Nays: none. The motion carried.

DEPARTMENT REPORTS

BUILDING PERMITS

EMPLOYEE REPORTS-The November Village Board meeting will be Monday, November 21st at 7:30 PM. Dusty discussed some properties that have open building permits and some concerns with those with the board. Dusty reported that we have bids out for the Mill St. return replacement. TL Sund is supposed to begin the park pathway project next week and be completed by November 15th. We will have our next joint workshop on the proposed chicken ordinance with the planning commission and village board on Monday, November 7 at 6:00 PM. We discussed the batting cage at the park and the relocation of it.

LIBRARY REPORTS-The library board is still looking for a new member.

AGENDA ITEM #10: Adjournment

All agenda items having been considered, it was moved by Michael Strong and seconded by Mike Brown to adjourn this Regular Meeting. Ayes: Michael, Davis, Mike, Kyle and Tanner. Nays: none. Absent: none. The motion carried and the meeting was adjourned at 8:24 p.m.

Chairman-Elm Creek Village Board

ATTEST:

Dusty Newton, Village Administrator, Pro-Temp

(SEAL)