

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
PUBLIC HEARING MINUTES
FEBRUARY 22, 2023, 7:00 P.M.**

Two Public Hearings of the Elm Creek Village Board of Trustees were convened in open and public session at the Elm Creek Village Center, 535 W. Boyd Avenue, Elm Creek, Nebraska at 7:00 p.m. on February 22, 2023. 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 public hearing to order at 7:02 p.m. by calling for the roll with the following members responding: Tanner Tool, Mike Brown, Davis Miner and Michael Strong. Absent: Kyle Lawrence. Kyle Lawrence arrived at 7:07 p.m. 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.

A motion by Tanner and second by Mike Brown to open the Public Hearing to hear Public comment regarding a conditional use permit at 201 N Tyler Street and the proposed ordinance allowing chickens inside the corporate limits. Ayes: Michael, Tanner, Mike, Davis and Kyle. Nays: none. Absent: none. The motion carried.

Public Hearing on proposed chicken ordinance.

In attendance from the public at the Public Hearing were Abby & Chris Erickson, Tyler Holland, Jake Valentine, Danie Hilton, Denise Ourada, and DeAnn TenEyck. Dusty Newton reported that the Planning Commission recommended the board remove from section F the words waterproof and non-porous material. There was a question asked regarding fines and/or penalties and who would be enforcing those. It would be up to the Village Administration to handle those issues and if necessary BCSO could get involved. The disposal of chicken waste was brought up and it is the residence responsibility to take care of it. The Village will not be providing a location to dispose of it.

With no further discussion a motion by Tanner and second by Davis to close Public Hearing. Ayes: Michael, Tanner, Mike, Davis and Kyle. Nays: none. Absent: none. The motion carried and the hearing was closed at 7:15p.m.

Public Hearing on conditional use permit at 201 N Tyler Street.

The conditional use permit is for a 2 bed 1 bath apartment behind Sunny Meadows at 201 N Tyler Street. It was mentioned that there will be 1 stall of off street parking.

With no further discussion a motion by Tanner and second by Davis to close Public Hearing. Ayes: Michael, Tanner, Mike, Davis and Kyle. Nays: none. Absent: none. The motion carried and the hearing was closed at 7:27p.m.

**VILLAGE OF ELM CREEK
BOARD OF TRUSTEES
REGULAR MEETING MINUTES
FEBRUARY 22, 2023 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 7:30p.m. on February 22, 2023. 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: Tanner Tool, Mike Brown, Kyle Lawrence, Davis Miner 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.

Oath of Office was administered to the newly elected board member: Tanner Tool. The newly elected board member read aloud their Oath of Office

CONSENT AGENDA

It was moved by Tanner and seconded by Davis to approve the minutes of the Regular Meeting on January 26, 2023 and the February Claims in the amount of \$71,180.96. Ayes: Michael, Tanner, Mike, Davis and Kyle. Nays: none. Absent: none. The motion carried.

SHERIFF'S REPORT:

Captain Bob Anderson was in attendance. Not much to report for the month as it has been pretty quiet. They were able to get some training in at the school first week of January.

REGULAR AGENDA

AGENDA ITEM #1: Tanner appointed Davis Miner as Vice-Chairman. It was moved by Tanner and seconded by Kyle to ratify the appointment of Davis Miner as Vice Chairman. Ayes: Mike, Kyle, Michael and Tanner. Abstain: Davis. Absent: none. Nays: none. The motion carried.

AGENDA ITEM #2: DISCUSSION/ACTION RE: Consider and approve a Conditional Use Permit made by Mike Robinson for 201 N Tyler Street

Discussion: The permit is for a 2 Bedroom 1 Bath Apartment with 1 off street parking space at 201 N Tyler Street. Conditional Use Permit is good for one year and then after one year it will be reviewed. Per section 6.07 of the Conditional Use Permit zoning ordinance the board found that this request did meet the 11 applicable standards.

It was moved by Tanner and seconded by Davis to approve a 1 year Conditional Use Permit made by Mike Robinson for an apartment at 201 N Tyler Street with the additional contingency of maintaining 1 off street parking space and it is to be utilized by the tenant. Ayes: Michael, Kyle, Tanner, Davis and Mike. Nays: none. Absent: none. The motion carried.

AGENDA ITEM #3: DISCUSSION/ACTION RE: Consider and approve Ordinance 2023-1; An ordinance to amend the code of ordinances to prohibit all poultry not classified as chickens including cocks and rooster chickens two months of age or older within the corporate limits; to allow chickens within the corporate limits; to require an annual permit for chickens to impose requirements and restrictions related thereto

Discussion: The ordinance reads that you may have 10 chickens. To obtain a permit you will have to submit your plans to the Village Administrator and pay the \$25 permit fee. You will have to provide a diagram of your structure and location on your property. Chris Erickson asked if the chicken coop could be relocated after the permit was filed since most of the coops are moveable. You are permitted to move it you just need to let The Village know so they can make sure the location is still within the ordinance parameters. Michael Strong expressed concerns about enforcement of ordinance and neighbor complaints. This Ordinance does not supersede any existing subdivision covenants. If you live in a neighborhood that has covenants that say you cannot have chickens then you cannot have chickens. There are several in town that do not allow them. Meads Subdivision, Country Side Subdivision and Yoder Subdivision to name a few but a search at the assessors would be needed to verify all other subdivisions. Ordinance only allows residence in R1 & R2 residential zones and only those that are owner occupied. All trailer parks and rental houses are not permitted to have chickens.

It was moved by Tanner and seconded by Kyle to suspend the statutory rule requiring that ordinances be read on 3 separate occasions, so that Ordinance 2023-1 might be introduced, read by title 3 times and adopted at the same meeting. Ayes: Davis, Tanner, Mike, Michael and Kyle. Nays: none. Absent: none. The motion carried.

Ordinance 2023-1; AN ORDINANCE OF THE VILLAGE OF ELM CREEK, NEBRASKA TO AMEND THE CODE OF ORDINANCES TO PROHIBIT ALL POULTRY NOT CLASSIFIED AS CHICKENS INCLUDING COCKS AND ROOSTER CHICKENS TWO MONTHS OF AGE OR OLDER WITHIN THE CORPORATE LIMITS; TO ALLOW CHICKENS WITHIN CORPORATE LIMITS; TO REQUIRE AN ANNUAL PERMIT FOR CHICKENS AND TO IMPOSE REQUIREMENTS AND RESTRICTIONS RELATED THERETO; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE AN EFFECTIVE DATE.

It was moved by Tanner and seconded by Mike to approve Ordinance 2023-1 with the amendment of section D-2-F take out the words waterproof and non-porous when describing the hardwood flooring of the chicken coop. Ordinance will be effective April 1, 2023. Ayes: Davis, Michael, Mike and Kyle. Nays: Tanner. Absent: none. The motion carried.

AGENDA ITEM #4: DISCUSSION/ACTION RE: Consider and approve transferring CD's currently held at Farmers and Merchants Bank to FirstTier Bank.

We currently have 3 CD's at Farmers & Merchants Bank in Kearney. They have an interest rate of .50%. By moving them to FirstTier we would increase our interest rate to 4.62%. We currently have 2 CD's with FirstTier that we may be able to get a better rate on as well. FirstTier does have plenty of insurance to cover the CD's by moving them all to their bank.

It was moved by Tanner and seconded by Davis to transfer all Farmers & Merchants Bank accounts including the 3 CD's and any other Village of Elm Creek accounts held at Farmers & Merchants Bank to be transferred to FirstTier Bank.

Ayes: Michael, Davis, Kyle, Tanner and Mike. Nays: none. Absent: none. The motion carried.

DEPARTMENT REPORTS

BUILDING PERMITS – Only 1 new one was issued to Tanner Tool.

EMPLOYEE REPORTS – Dusty has a housing strategy session scheduled for March 1. Lance Harter from Oak Creek Engineering will be there to discuss options. March 9th the EPA & NDEE will be out to look at the Red Top Site. They would like to visit with elected officials to see what the vision is for that site. They can do a free site and market assessment for the property. At the March meeting we will do the One and Six Year public hearing. Ryan Hipke from Dana F Cole and Company will be out to give us the audit report. Ravenna sanitation is up for renewal so they are going to send us a new proposal to extend our agreement. There has been a discussion with Buffalo County Community Partners regarding day care needs in the community. Amy reported that ACH will now be a payment option. Also, if you would like to have your monthly bill emailed you can.

LIBRARY REPORTS- Members of the Village Library Board will be meeting with Dr. Schroder next week to discuss the possibility of joining the Village and School library into one.

CITIZEN COMMENTS- Jake Valentine thanked the Village Staff for all of their hard work in cleaning up the snow over the past few weeks. He thought that it was great to see some of our community members also helping with the efforts.

AGENDA ITEM #5: Adjournment

All agenda items having been considered, it was moved by Davis Miner and seconded by Michael Strong to adjourn this Regular Meeting. Ayes: Michael, Davis, Mike, Tanner and Kyle. Nays: none. The motion carried and the meeting was adjourned at 8:29 p.m.

Chairman-Elm Creek Village Board

ATTEST:

Village Clerk