

Village of Elwood regular meeting minutes, October 9, 2024

A regular meeting of the Board of Trustees of the Village of Elwood, Nebraska was held at the Elwood Village Office, 304 Calvert Avenue on Wednesday, October 9, 2024. Said meeting was called to order at 7:00 p.m. by Board Chair Martin who noted the Open Meetings Act is posted and available to the public on the south wall of the meeting room. Present were Trustees Tilson, Fong, Townsend and Kleine. Notice of the meeting was given in advance thereof by publication in the Valley Voice Newspaper on October 3, 2024, and by posted notices at Security First Bank, Pinnacle Bank, Elwood Post Office and the Village Office on October 3, 2024. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

After reviewing minutes, a motion was made by Fong, seconded by Kleine, to approve the September 11, 2024, regular meeting minutes, the September 18, 2024, Town Hall minutes, the September 18, 2024 Budget Hearing minutes, and the September 29, 2024, Special Meeting minutes as presented. There being no discussion, the roll call vote was: ayes: Townsend, Tilson, Kleine, Fong, Martin; nays: none; motion carried 5-0.

After reviewing claims, a motion was made by Kleine, seconded by Tilson, to approve and pay the Village and Library claims as presented. There being no discussion, the roll call vote was: ayes: Fong, Townsend, Tilson, Kleine, Martin; nays: none; motion carried 5-0. Claims are as follows:

Aflac	256.40	emp. pd insurance
ATC Communications	14.90	email, website
Aurora Cooperative	548.82	fuel/supplies
Black Hills Energy	134.82	utilities
Blue Cross Blue Shield of NE	3,066.06	health ins.
CAMAS Publishing	289.05	publications
Central District Health Dept.	78.00	water testing
Community Redev. Authority	8,333.37	monthly budget
Corder, Kirk	49.00	cell phone
Dawson Public Power District	5,062.21	utilities
Dewey, Roy	40.07	UT Dep refund less bill
Eakes - Copier	124.65	copier payment
Eakes Office Plus	37.98	supplies
Elan Financial Services - credit card	166.21	supplies, postage
Elwood Care Center	2,425.00	monthly budget
Elwood Library	8,625.00	quarterly budget
Gosper Co. Treasurer (Sheriff Support)	11,950.05	quarterly pymt
Great Plains Communications	173.77	phone(3), dump internet
Hart, Huyser & Miller P.C., L.L.O.	2,130.00	atty fees
Jensen, Paul	8.47	UT Dep. Refund less bill
Kuchar, Brody	60.00	UT Dep. Refund
Lawn In Order - Shaune LaPrade	1,320.00	mowing
cemetery/office/library		
MTL, Inc.	107.00	cleaning
Mutual of Omaha	21.60	life ins.
NE Dept. of Revenue	332.59	sales tax

NE Dept. of Revenue	1,432.73	withholding	
NE Public Health Environmental Lab.	16.00	water testing	
NE State Treasurer	146.40	annual dog tag fee	
One Call Concepts, Inc.	2.78	811 locate fees	
Pinnacle Bank HSA	465.64	HSA (2)	
Post Frame Renovations LLC	325.00	garage by office roof repair	
Salisbury Farms Inc.	4,442.94	RE taxes sewer lagoon	
Schaben Sanitation - Roll-off	674.41	large dumpster fees	
Schaben Sanitation Inc.	7,059.31	trash fees	
Schmeeckle, Jacob	60.00	UT Dep. Refund	
Schutz, Shane	20.00	cell phone	
Security First Insurance	6,459.25	quarterly	insurance
payment			
T&T Lawn Care	66.00	office/library	
Tilson, Charles. Dpty Zon Admin	50.00	building permits	
West Central NE Dev. Dist.	2,821.00	nuisance	agreement
payment			
TOTAL	69,396.48		
PREAPPROVED/PREPAID CLAIMS:			
EFTPS	3,008.46	Sept. federal payroll taxes	
Payroll	9,228.30	Sept. net payroll	
Schwab - retirement fund	335.46	Sept. company match	
TOTAL PREPAID	12,572.22		
TOTAL CLAIMS	81,968.70		
LIBRARY CLAIMS:			
Black Hills Energy	103.59	utilities	
Dawson Public Power District	143.64	utilities	
MTL Inc	267.50	janitor	
Village of Elwood	1,983.36	wages, ss/mc, utilities	
Pinnacle Bank CC	983.80	books, postage, training	
Elwood Hometown Coop Market	16.79	supplies	
TOTAL LIBRARY CLAIMS	3,498.68		

Upon reviewing the Treasurer's report, a motion was made by Tilson, seconded by Fong, to renew CD 4894 at a special 7-month term for 4.68% APY. There being no discussion, the roll call vote was: ayes: Kleine, Townsend, Fong, Tilson, Martin; nays: none; motion carried 5-0.

A motion was made by Tilson, seconded by Kleine to approve the Treasurer's report as presented. There being no discussion, the roll call vote was: ayes: Fong, Townsend, Kleine, Tilson, Martin; nays: none; motion carried 5-0.

Board Chair Martin opened the public hearing to consider a redevelopment plan for the Elwood Hometown Cooperative Market (EHCM) at 7:10 p.m. Said redevelopment plan for roof repairs at the Market was recommended to the Village Board by the Gosper County Planning Commission. There being no public comment, Martin closed the hearing at 7:11 p.m.

The Board of Trustees finds the redevelopment plan for the EHCM to be feasible and in conformity with the general plan for development of the village and the plan

conforms with declarations and determinations set forth in the Community Development Law. A motion was made by Tilson, seconded by Fong, to pass Resolution 2024-08 approving the Redevelopment Plan for the Elwood Hometown Cooperative Market. There being no further discussion, the roll call vote was: ayes: Kleine, Townsend, Fong, Tilson, Martin; nays: none; motion carried 5-0.

Minutes from the September meeting of the Community Redevelopment Authority were reviewed. It was mentioned that a new redevelopment project will be underway in the near future.

There was no Sheriff's Department report.

Utility Superintendent Corder reported no new information on the meter project. The Lead Service Line Inventory is almost ready to submit and will continue to be updated as more information becomes available. The Trustees noted that there are many low hanging trees in town. The Fall Notices will mention trimming trees. Evans construction will begin moving riprap soon for the sewer lagoon. A resident was suspended from dump access for removal of items at the dump and has since been reinstated after discussing the issue. The batting cage is put away.

Ashley Neiman with West Central Nebraska Development District (WCNDD) reported on her latest findings on nuisance properties. After discussion, a motion was made by Fong, seconded by Kleine, to pass Resolutions 2024-003-01, 2024-005-01, 2024-020-01, 2024-030-01, and 2024-033-01 which rescind previous resolutions that declared the properties with those labels (003, 005, 020, 030, 033) as nuisances. There being no further discussion, the roll call vote was: ayes: Townsend, Tilson, Kleine, Fong, Martin; nays: none; motion carried 5-0.

A motion was made by Fong, seconded by Townsend, to abate properties labeled 008, 011, and 013. There being no further discussion, the roll call vote was: ayes: Kleine, Townsend, Fong, Martin; nays: Tilson; motion carried 4-1.

A motion was made by Fong, seconded by Kleine, to pass Resolution 2024-11 rescinding Resolution 2024-06 which declared a property at 304 n. Smith Avenue a nuisance. Said property is cleared of the nuisance. The roll call vote was: ayes: Townsend, Tilson, Kleine, Fong, Martin; nays: none; motion carried 5-0.

The Board reviewed and discussed Ordinance 2024-03 which updated dump rules for commercial, large project use and out of town trees. A motion was made by Tilson, seconded by Fong, to waive the three readings rule on ordinances. There being no discussion, the roll call vote was: ayes: Kleine, Townsend, Fong, Tilson, Martin; nays: none; motion carried 5-0. A motion was made by Tilson, seconded by Kleine, to pass and adopt Ordinance 2024-03 updating regulation and use of the Elwood landfill. There being no further discussion, the roll call vote was: ayes: Townsend, Fong, Kleine, Tilson, Martin; nays: none; motion carried 5-0. Ordinance 2024-03 reads as follows:

### ORDINANCE NO. 2024 - 03

AN ORDINANCE ESTABLISHING THE REGULATION AND USE OF THE MUNICIPAL LANDFILL OF THE VILLAGE OF ELWOOD, NEBRASKA; ESTABLISHING THE TYPE OF WASTE MATERIALS WHICH MAY BE DUMPED IN THE MUNICIPAL LANDFILL; ESTABLISHING PENALTIES FOR THE VIOLATION OR NON-COMPLIANCE WITH THE ENFORCEMENT OF THE DUMPING OF LAWFUL WASTE MATERIALS IN THE

MUNICIPAL LANDFILL; PROVIDING FOR DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL GO INTO EFFECT.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ELWOOD, GOSPER COUNTY, NEBRASKA:

Section 1. One of the major responsibilities of municipal government is to provide a garbage and solid waste management system within the corporate limits.

Section 2. Section 51.01 of the Elwood Village Municipal Code authorizes the Elwood Board of Trustees to provide for the management and operation of its garbage and solid waste management system within the municipality's jurisdiction.

Section 3. The Village of Elwood Board of Trustees maintains a Village Dump for Village Residents to dispose of certain waste outside of their normal trash collection at their residence.

Section 4. The Village of Elwood must clarify and limit the dump collection activities to personal cleanup activities and trees, branches, and other yard waste that are collected and removed from Village Residents or Gosper County Residents properties and do not exceed the type and size accepted by the dump.

Section 5. The Elwood Village Municipal Code shall incorporate the following provisions into its existing code provisions on the subject of the Village dump by adding Section 51.29 to Chapter 51 as follows:

#### **51.29 VILLAGE DUMP**

A. **DEFINITIONS.** For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**Village Dump** shall be defined as the village property located at 103 Railroad St, Elwood, Nebraska, that includes a large roll-off dumpster and a burn pit to be used by Village Residents for waste disposal that exceeds their regular trash service.

**Lawful Waste Materials** shall include Garbage and Waste as defined in this Chapter.

**Lawful Yard Waste** shall refer to trees, branches, grass and leaves.

**Unlawful Waste Materials** shall be any material not specifically set forth in the definition of "lawful waste materials" above, including, but not limited to, grass, leaves, painted lumber, appliances, batteries, hot ashes, medical waste, oil, tires, asphalt shingles, dead animals, paint or paint thinner, hazardous waste, or chemicals.

**Village Resident** shall mean those residents who reside in the municipal limits of the Village of Elwood.

**Gosper County Resident** shall mean those residents who do not reside within the municipal limits of the Village of Elwood, but reside in Gosper County, Nebraska.

**Large Project Disposal** shall mean the disposal of lawful waste materials and lawful yard waste resulting from large home remodel or cleanup projects that would result in filling more than 25% of a roll-off dumpster.

**Commercial Project Disposal** shall mean the disposal of lawful waste materials and lawful yard waste resulting from commercial or residential construction projects or yard clean-up projects other than from the Village Resident's own personal property. Commercial Project Disposal shall NOT include disposal of lawful yard waste from the property of a Village Resident by any other Village Resident hired to assist the Village Resident property owner.

B. **ACCESS.** Village Residents shall have access to the Village Dump. Gosper County Residents shall have access to the Village Dump upon application to the Village Clerk. The Village reserves the right to further restrict access of the Village Dump by Village Residents and Gosper County Residents by rules and regulations as set by resolution.

C. **FEE.** The fee for such a permit shall be set by resolution and payable annually, renewing during the month of January.

D. **RULES.** There shall be located at the entrance of the Village Dump rules and regulations which shall be prominently displayed by a sign and which rules shall be strictly adhered to by all persons utilizing the said municipal landfill. It shall be the duty and obligation of the Village Board to require all rules and regulations be strictly adhered to at the Village Dump. Rules may be changed from time to time as set by resolution of the Village Board.

E. **PROHIBITED USE.** The Village Board prohibits the use of the Village Dump for any and all Large Project Disposal or Commercial Project Disposal.

Section 6. All Ordinances and Resolutions, and all parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 7. This Ordinance shall be published and shall be effective from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 9<sup>th</sup> day of October, 2024.

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Tom Martin, Chairperson



- (A) Operation of a golf cart vehicle shall be between the hours of sunrise and sunset and on streets with a posted speed limit of thirty-five miles per hour or less.
- (B) Any person operating a golf cart vehicle as authorized under this subsection shall have a valid Class O operator's license, and the owner of the golf cart vehicle shall have liability insurance coverage for the golf cart vehicle. The person operating the golf cart vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.
- (C) Golf cart vehicles shall be operated as near to the right side of the roadway as possible and shall be driven in the street and not on the sidewalks.
- (D) Golf cart vehicles must be equipped with a bicycle safety flag which extends to a height of not less than 6 feet above the ground, attached to the rear of the car. The flag shall be triangle in shape, not less than 30 sq. inches in size, and shall be "Day-glow" in color.
- (E) When operating a golf cart vehicle, the operator shall not operate such vehicle at a speed in excess of twenty miles per hour.
- (F) A golf cart vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street as follows:
- a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
  - b) The golf cart vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
  - c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and
  - d) In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road; as applicable.

- (G) Operators shall obey all traffic regulations which govern the movement of vehicles on a public roadway and shall yield the right of way to all motor vehicles.
- (H) While in motion on a public roadway or on any municipal park property all occupants of the golf cart shall remain seated. The maximum number of occupants each cart may transport shall be equal in the number to the number of factory designated seats installed on the cart.
- (I) No person shall operate a golf cart vehicle on the streets and alleys of the village until the owner has demonstrated proof of insurance coverage as required in subsection (B) of this section to the Gosper County Sheriff's Office and obtained a permit for the current year. An identifying sticker shall be provided by the Sheriff's Office after payment of the fee and shall be placed prominently on the left rear of the golf cart vehicle as proof of this permit. This permit must be acquired by all golf cart vehicles operated on the streets and alleys of the village. All permits will expire on December 31 in the year of issuance and must be renewed on or before January 1 of each year.
- (J) The fee for such permit shall be set by resolution and payable annually, renewing during the month of January.
- (K) Any person violating any provision of this section shall be guilty of a misdemeanor and shall be fined \$200 for each violation. Any violation of this section, which is also a violation under any other provision of Neb. RS Ch. 60, may be punished under the penalty provisions of such chapter.

(Neb. RS 60-6,381)

Section 2. All ordinances and parts of ordinances in conflict herewith and hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication or posting as provided by law.

PASSED AND APPROVED THIS 9<sup>TH</sup> DAY OF OCTOBER, 2024.

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Tom Martin, Chairman  
Elwood Village Board of Trustees

ATTEST:

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Laurie Jauken,  
Village Clerk



A resolution setting an annual fee for a golf cart permit was reviewed. A motion was made by Fong, seconded by Tilson, to pass Resolution 2024-10 setting an annual license fee for use of a golf cart in Elwood. There being no discussion, the roll call vote was: ayes: Kleine, Tilson, Fong, Martin; nays: Townsend; motion carried 4-1.

An ordinance clarifying the days on which alcohol may be sold and dispensed was discussed. A motion was made by Tilson, seconded by Kleine, to waive the three readings rule of ordinances. There being no discussion, the roll call vote was: ayes: Fong, Townsend, Kleine, Tilson, Martin; nays: none; motion carried 5-0. A motion was made by Tilson, seconded by Kleine, to pass and adopt Ordinance 2024-05 allowing alcoholic sales and consumption on licensed premises on Sundays. There being no further discussion, the roll call vote was: ayes: Tilson, Kleine, Fong, Townsend, Martin; nays: none; motion carried 5-0. Ordinance 2024-05 reads as follows:

#### ORDINANCE 2024-05

AN ORDINANCE OF THE VILLAGE OF ELWOOD, GOSPER COUNTY, NEBRASKA, AMENDING CHAPTER 111, SECTION 36 OF THE MUNICIPAL CODE TO REMOVE GENERAL PROHIBITION OF SALE OF ALCOHOLIC LIQUOR AND BEER ON SUNDAYS.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ELWOOD, GOSPER COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. Chapter 111, Section 36 of the Municipal Code is hereby amended to read as follows:

#### **§ 111.36 HOURS OF SALE.**

(A) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 a.m. and 6:00 a.m.; except that, the Board of Trustees, with respect to areas inside the corporate limits of the village may, by ordinance or resolution:

(1) Require closing prior to 1:00 a.m. on any day;

(2) If adopted by a vote of at least two-thirds of the members of the Board of Trustees, permit sale or dispensing of alcoholic liquor for consumption on the premises, excluding sales for consumption off the premises, later than 1:00 a.m. and prior to 2:00 a.m. on any day;

(3) If adopted by a vote of at least two-thirds of the members of Board of Trustees, permit retail sale of alcoholic liquor for consumption off the premises later than 1:00 a.m. and prior to 2:00 a.m. on any day; or

(4) If adopted by a vote of at least two-thirds of the members of Board of Trustees, permit retail sale of alcoholic liquor for consumption on the premises,

excluding sales for consumption off the premises, and permit retail sale of alcoholic liquor for consumption off the premises later than 1:00 a.m. and prior to 2:00 a.m. on any day.

(B) Alcoholic liquor, including beer, may be sold at retail or dispensed between the hours of 6 a.m. Sunday and 1 a.m. Monday.

(C) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 15 minutes after the closing hour applicable to the licensed premises and 6:00 a.m. on any day.

(D) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.

(1995 code, § 10-109) (Ord. 88-1, passed 3-2-1988) (Ord. 2019-01, passed 2-12-2019) (Ord. 2024-\_\_\_\_, passed 10/9/2024) Penalty, see § 10.99

**Statutory reference:** *Related provisions, see Neb. RS 53-179*

Section 2. All Ordinances and Resolutions, and all parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be published and shall be effective from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF OCTOBER, 2024.

THE VILLAGE OF ELWOOD

By: \_\_\_\_\_

Tom Martin, Chairman

Elwood Village Board of Trustees

ATTEST:

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Village Clerk

The Trustees reviewed the application to apply for nuisance abatement services through West Central Nebraska Development District (WCNDD) for 2025. A motion was made by Fong, seconded by Tilson, to apply for said services. There being no further discussion, the roll call vote was: ayes: Kleine, Townsend, Tilson, Fong, Martin; nays: none; motion carried 5-0.

The Board discussed the Tour de Nebraska bike tour which will have an overnight stop in Elwood next June.

Two approved building permits were reviewed.

The next regular Board Meeting is scheduled for Wednesday, November 13, 2024, at 7:00 p.m.

Board Chair Martin adjourned the meeting at 8:38 p.m.

Laurie Jauken, Clerk/Treasurer