

September 19, 2007

The Village of Elmwood Board of Trustees met in regular session with Trustees Cline, Winter, & Meyer present and with Chairman Blunt presiding. All signed the "Notice of Acknowledgement of Meeting". John McNaught, Monica Nelson, Dan Spaulding & Bonita Drake were, also, in attendance.

Chairman Blunt declared the Open Meeting Act Posted.

Minutes of the September 5, 2007, meeting were read and approved as presented without correction.

John McNaught & Monica Nelson presented information concerning the expansion of the building at 221 S. 4th Street and asked questions concerning needed permits and requirements.

Discussion of Unfinished Business:

Discussion of the Junk Car violations: Resolution #9192007 was introduced by Meyer.

RESOLUTION 9192007 DECLARING NUISANCES EXIST ON CERTAIN PROPERTIES

WHEREAS, Elmwood Municipal Code § 133.41 declares no person in charge or control of any property within the village shall allow any partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on that property longer than 30 days, and that no unlicensed vehicle shall be permitted to remain on any private or public property for any length of time, provided that this section shall not apply to a vehicle in an enclosed building;

WHEREAS, Elmwood Municipal Code § 133.41 provides that any vehicle allowed to remain on property in violation of that section shall constitute a nuisance and shall be abated, and any person violating that section shall be guilty of an offense;

WHEREAS, the Board of Health of the Village of Elmwood has observed and inspected the properties listed below for compliance with Elmwood Municipal Code § 133.41;

WHEREAS, pursuant to Elmwood Municipal Code §§ 133.41 and 91.21, the properties listed below have been found by the Board of Health of the Village of Elmwood to be a nuisance, as they are in violation of Elmwood Municipal Code § 133.41;

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Village of Elmwood, Elmwood, Cass County, Nebraska, that the following properties within the Village contain a nuisance of partially dismantled, inoperable, wrecked, junked, or discarded vehicles, or unlicensed vehicles:

1. Kurt Poole
317 North 3rd Street
Elmwood, NE 68349
2. Daryl Reicks
124 East C Street
Elmwood, NE 68349
3. Jim Green
217 S. 3rd Street
P.O. Box 104
Elmwood, NE 68349

4. Jim Davis
420 West E Street
P.O. Box 194
Elmwood, NE 68349
5. Robert Eggert
220 North 4th street
P.O. Box 169
Elmwood, NE 68349
6. Mike Hromanik
(117 East D Street)
27708 Waverly Rd
Murdock, NE 68407
7. Kevin Zoz
(117 West D Street)
3800 X Street
Lincoln, NE 68503
8. Lynn Minch
516 West D Street
Elmwood, NE 68349
9. Jeanie Martaine
208 West D Street
P.O. Box 155
Elmwood, NE 68349
10. Mrs. Harlan DeGarmo
112 N. 3rd Street
P.O. Box 175
Elmwood, NE 68349
11. Scott Heise
308 West D Street
Elmwood, NE 68349
12. Mrs. Delbert Tolliver
508 North 4th Street
Elmwood, NE 68349
13. Mike Krass

308 N. 1st Street
P.O. Box 31
Elmwood, NE 68349

14. John Kitrell
421 N. 4th Street
Elmwood, NE 68349

15. John Wilhelm, Sr.
(212 West G Street)
P.O. Box 247
Elmwood, NE 68349

16. David Baer
316 West E Street
Elmwood, NE 68349

17. Jeff Bracken
216 West C Street
P.O. Box 1
Elmwood, NE 68349

18. Thomas C. Navrkal
224 West E Street
Elmwood, NE 68349

19. Don Wilkins
417 West F Street
Elmwood, NE 68349

20. Cyndi Wilkins
221 N. 1st Street
Elmwood, NE 68349

21. David Mckinney
216 West G Street
P.O. Box 37
Elmwood, NE 68349

In accordance with Elmwood Municipal Code § 91.21, notice to abate and remove the nuisance and notice of the right to a hearing before the Board of Trustees shall be given to each owner and/or occupant of the properties listed above. If a hearing is requested, request shall be made in writing within five (5) days of receipt of the notice to the Village of Elmwood, 113 West E Street, Elmwood, Nebraska, 68349.

Motion by Winter, 2nd by Meyer, to approve Resolution 9192007 and instruct the Village Attorney to move forward with letters of violation. RCV: Aye: Meyer, Cline, Winter, Blunt Nay: none Absent: Hogue.

Discussion of weed and junk at 220 S. 4th Street. Resolution 9192007-2 introduced by Meyer.

RESOLUTION 9192007-2 DECLARING NUISANCES EXIST ON CERTAIN PROPERTIES

WHEREAS, Elmwood Municipal Code § 91.24 (D) declares permitting or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation on any lot or piece of ground within the village or on the adjoining streets or alleys a nuisance;

WHEREAS, the properties listed below have been found by the Board of Trustees of the Village of Elmwood to contain weeds, grasses, or worthless vegetation of 12 inches or more in height;

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Village of Elmwood, Elmwood, Cass County, Nebraska, that the following properties within the village contain a nuisance of weeds, grasses, or worthless vegetation of 12 inches or more in height:

Lisa Nickel
220 South 4th Street
Elmwood, NE 68349

THIS RESOLUTION IS PASSED AND APPROVED THIS 19 DAY OF SEPTEMBER, 2007 BY THE BOARD OF TRUSTEES OF ELMWOOD, CASS COUNTY, NEBRASKA.

Motion by Cline, 2nd by Meyer, to approve Resolution 9192007-2 and instruct the Village Attorney to send a letter of violation. RCV: Aye: Meyer, Cline, Winter, Blunt Nay: none Absent: Hogue.

Discussion of a violation concerning the keeping of fowl. Resolution #9192007-3 introduced by Winter. **RESOLUTION 9192007-3 DECLARING NUISANCES EXIST ON CERTAIN PROPERTIES**

WHEREAS, Elmwood Municipal Code § 93.204 & 93.205 declaring it against Village code to keep fowl within the Village unless kept in a pen containing 70 square feet per fowl; and located at least 200 ' from any residence.

WHEREAS, the property listed below has been found by the Board of Trustees of the Village of Elmwood to contain to harbor fowl in excess of the amount allowed for the space and located closer than 200' of a residence.

WHEREAS, pursuant to Elmwood Municipal Code §93.204, 93.205, & 135.101, the properties listed below have been found by the Board of Health of the Village of Elmwood to be a nuisance, as they are in violation of Elmwood Municipal Code §93.204, 93.205;

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Village of Elmwood, Elmwood, Cass County, Nebraska, that the following properties within the village have fowl being kept in violation of this code.

Paul Bykerk
304 East C Street
P.O. Box 37
Elmwood, NE 68349

In accordance with Elmwood Municipal Code § 135.101, notice to remove the fowl and notice of the right to a hearing before the Board of Trustees shall be given to each owner and/or occupant of the properties listed above. If a hearing is requested, request shall be made in writing within five (5) days of receipt of the notice to the Village of Elmwood, 113 West E Street, Elmwood, Nebraska, 68349. Any person who violates any of the provisions of this code, shall be deemed guilty of an offence and upon conviction thereof shall be fined in any sum no exceeding five hundred dollars. (\$500) A new violation shall be deemed to have been committed every twenty-four(24) Hours of failure to comply with the provisions of this code.

THIS RESOLUTION IS PASSED AND APPROVED THIS 19 DAY OF SEPTEMBER 2007 BY THE BOARD OF TRUSTEES OF ELMWOOD, CASS COUNTY, NEBRASKA.

Motion by Meyer, 2nd by Cline, to approve Resolution #9192007-3 and instruct the Village Attorney to proceed with a letter of violation. RCV: Aye: Meyer, Cline, Winter, Blunt Nay: none Absent: Hogue.

Public Hearing called to order by Blunt. Discussion followed to hear pros and cons concerning the All-Hazards Mitigation Plan being drawn by the Department of Natural Resources. Steve McMaster present to discuss the Mitigation Recommendations Summary and to prioritize the items on the list. Public Hearing closed.

Kennel hearing concerning the Application for a Kennel Permit by Scott and Tina Sailors. There being no adverse comments or complaints on file. Motion by Meyer, 2nd by Cline, to approve the application by Scott and Tina Sailors. RCV: Aye: Meyer, Cline, Blunt Nay: Winter Absent: Hogue.

Kennel hearing concerning the Application for a Kennel Permit by Corey Campbell. Discussion followed by comments about the number of dogs for the small space and the number of complaints during the past year with a concern for the safety of persons using the public street. Motion by Meyer, 2nd by Cline, to deny the kennel permit, based on comments received. RCV: Aye: none Nay: Meyer, Cline, Blunt, Winter Absent: Hogue. Clerk Drake instructed to notify Mr. Campbell in writing and give him 30 days to come into compliance before taking legal action.

Reports of Boards Commissions and Committees

Water & Sewer: Spaulding reported that the water tower painting is on schedule for next week and that the Waste Water Treatment Plant is in the funding stage.

Presentation of the Claims: Midwest Farmers Co-op \$283; JEO Consulting Group \$1,500; State of Nebraska Public Health Environmental Lab \$392; Meeske Ace Hardware \$853.88; Alltel Cellular \$52.21; The Journal \$127.75; Aquila \$95.44; Postmaster \$383; Nebraska Depart of Revenue \$477.94; Vogt T & T Excavating \$711.70; Nebraska Municipal Clerk's Ass. 15.00; Municipal Supply \$1,857.34; Nidwest Laboratories \$86.53; Mike Winter \$139.09; Rembolt/Ludtke \$284.76, Payroll 95/07 \$3,130.57

Motion by Winter, 2nd by Cline to approve the claims as presented and instruct the treasurer to pay same.:
RCV:YEA: Winter, Cline, Meyer, Blunt. Nay: none Absent Hogue

New Business: No Action Taken

Correspondence read.

A letter from Mr. Pinkerton showing his concern for a Handicapped parking sign by the Insurance Office and a drainage inlet across from the Library. The sign is not ours and not on a village sidewalk, but will be discussed with the owners. The inlet question will be turned over to the Street Engineer for a recommendation as to current standards.

Letter written by Mr. Winter and addressed to the County Commissioners concerning the back taxes on the property at 209 East H was presented to the board and asked for approval to send it in the interest of the Board of Trustees. Approval given with changes to the letter head and the clerk asked to sign it from the Board of trustees.

Employee evaluations. Meyer called for executive session at 9:25, in order to discuss personnel issues.

Drake and Spaulding chose to stay in the room. The board came out of executive session at 10:20 p.m.

Motion by Winter, 2nd by Cline, to grant Drake an increase in wages for 2007-08 fiscal year of 2%.

RCV:YEA: Winter, Cline, Meyer, Blunt. Nay: none Absent Hogue

Motion by Meyer, 2nd by Winter, to grant Spaulding an increase in wages for 2007-08 fiscal year of 1.5%. RCV:YEA: Winter, Cline, Meyer, Blunt. Nay: none Absent Hogue

There being no further business Chairman Blunt declared the meeting adjourned.

Bonita Drake

Edward Blunt