

MINUTE RECORD

SPECIAL BOARD MEETING
VILLAGE BOARD OF TRUSTEES
DECEMBER 3, 2018 7:00 PM

The special meeting of the Chairman and Board of Trustees of the Village of Shelton, Nebraska, was convened in open and public session in the Community Room of the Shelton Municipal Building at 219 "C" Street in Shelton, Nebraska, on December 3, 2018. Chairman Roe called the meeting to order at 7:00 P.M. at which time he informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room and led the audience in the Pledge of Allegiance. He then directed the Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Oberg and Doremus. Absent: Holley and Keslar.

Notice of this meeting was given in advance thereof by publication in the Shelton Clipper on November 22, 2018 and by posting at 10:30 am on November 21, 2018 in four (4) public places in the Village of Shelton, Nebraska, as follows: Larry's Market, Shelton Clipper, Cornerstone Bank, and Village Office, all as shown by the Certificate of Posting attached to these minutes. Notice of this meeting was simultaneously given to the Chairman and all members of the Village Board of Trustees and a copy of their acknowledgement of receipt of notice of the meeting and the agenda are attached to these minutes. Availability of the agenda was communicated in the advanced notice and in the notice of this meeting to the Village Board of Trustees.

All proceedings shown were taken while the convened meeting was open to the attendance of the public.

It being of the hour of 7:01 PM Chairman Roe indicated it was time to adjourn the Board of Trustees meeting in order to hold a Public Hearing.

PUBLIC HEARING REGARDING LIQUOR LICENSE APPLICATION FOR DUSTIN SCHROEDER DBA MOTOR INN. Mr. Schroeder was available to answer any questions or address any concerns the board and public had regarding his application. Having had all questions answered and hearing no further comments from the Public, Chairman Roe closed the Public Hearing and called the Board of Trustees meeting back to order at 7:05 pm.

Chairman Roe then informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room and directed the Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Oberg and Doremus. Absent: Holley and Keslar.

2. REQUEST FOR A CLASS C LIQUOR LICENSE FROM DUSTIN SCHROEDER DBA MOTOR INN, 117 HIGHWAY 30, SHELTON, NE. It was then moved by Trustee Doremus to recommend approval to the Liquor Control Commission of a Class C Liquor for Dustin Schroeder DBA Motor Inn. This received a second from Trustee Oberg with the vote as follows: AYES: Roe, Oberg and Doremus. NAYS: None. ABSENT: Holley and Keslar. Motion Carried.

MINUTE RECORD

DECEMBER 3, 2018

- PAGE 2 -

5. AUTHORIZED RENEWAL OF CD #77634. After discussion, it was moved by Trustee Doremus to authorized Village Clerk, Bonnie Doremus to renew CD #77634. This received a second from Trustee Oberg with the vote as follows: **AYES:** Roe, Oberg and Doremus. **NAYS:** None. **ABSENT:** Holley and Keslar. Motion Carried.

Chairman Roe indicated he would entertain a motion to adjourn the Board of Trustees meeting in order to reconvene as the Board of Adjustment. This motion was made by Trustee Doremus, with a second from Trustee Oberg. **AYES:** Roe, Oberg and Doremus. **NAYS:** None. **ABSENT:** Holley and Keslar. Motion Carried.

3. BOARD OF ADJUSTMENT. Chairman Roe then called the meeting of the Board of Adjustments to order at 7:05 P.M. at which time he informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room and led the audience in the Pledge of Allegiance. He then directed the Village Clerk to call roll which reflected the following: **Present:** Trustees: Roe, Oberg and Doremus. **Absent:** Holley and Keslar. Chairman Roe then adjourned the Board of Adjustment meeting in order to hold a Public hearing at 7:05 pm.

PUBLIC HEARING RE: APPLICATION OF TREVOR REEDER FOR A VARIANCE FROM THE MINIMUM FRONT SET BACK REQUIREMENTS of the Zoning Regulations to build a dance/reception hall on 45 ft of lot 4 and lot 3, Block 4, Original Town, Village of Shelton, Buffalo County, Nebraska, more commonly known as 110 First Street, Shelton, Nebraska. Mr. Reeder and his contractor Mr. Andrews were present to answer any questions and address any concerns the Board might have regarding the building project. Having addressed all the concerns and hearing no further comments from the public Chairman Roe closed the Public Hearing at 7:23 pm.

Chairman Roe then called the meeting of the Board of Adjustment back to order at which time he informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room. He then directed the Village Clerk to call roll which reflected the following: **Present:** Trustees: Roe, Oberg and Doremus. **Absent:** Holley and Keslar. Chairman Roe indicated it was now time to consider Resolution No. BA-48.

RESOLUTION NO. BA-48:

WHEREAS, an application has been received from TREVOR REEDER for a variance from the minimum front set back requirement for a Dance/Reception Hall to be placed on land described as Lots 3 and 46 ft of lot 4, Block 4, Original Town of Shelton, Buffalo County, Nebraska, or more commonly known as 110 First Street, Shelton, Nebraska.

WHEREAS, the necessary application fee for such application has been submitted, and the required advertising of notice and posting of the property was done in accordance with the applicable law and regulations; and

WHEREAS, after public hearing held by this Board of Adjustment of Shelton, Nebraska, this board hereby finds and determines that:

1. The strict application of the zoning regulations would produce undue hardship in this instance;

MINUTE RECORD

DECEMBER 3, 2018

- PAGE 3 -

2. Such hardship is not shared generally by other property in the same zoning district and the same vicinity;
3. The authorization of a variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of a variance;
4. The granting of a variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice; and
5. The condition or situation of the property concerned or intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

NOW, THEREFORE, BE IT RESOLVED, BY THE CHAIRMAN AND BOARD OF ADJUSTMENT OF THE VILLAGE OF SHELTON, NEBRASKA:

Section 1. That this Board of Adjustment does hereby authorize and grant a variance to TREVOR REEDER for a variance from the minimum front set back requirement for a Dance/Reception Hall to be placed on land described as Lots 3 and 46 ft of lot 4, Block 4, Original Town of Shelton, Buffalo County, Nebraska, or more commonly known as 110 First Street, Shelton, Nebraska.

Section 2. That this variance is conditional upon the applicant complying with all other zoning regulations and building codes of the Village of Shelton, Nebraska, as well as the State, County and Federal building codes in the construction of such building.

It was then moved by Trustee Oberg, with a second from Trustee Doremus to approve and adopt Resolution No. BA-48 as presented. **AYES:** Roe, Oberg and Doremus. **NAYS:** None. **ABSENT:** Holley and Keslar. Motion Carried.

It was then moved by Trustee Doremus to adjourn the Board of Adjustment meeting. This received a second from Trustee Oberg with the vote as follows: **AYES:** Roe, Oberg and Doremus. **NAYS:** None. **ABSENT:** Holley and Keslar. Motion Carried and the meeting was adjourned at 7:26 PM.

Chairman Roe then called the Board of Trustees meeting back to order at at which time he informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room and directed the Village Clerk to call roll which reflected the following: **Present:** Trustees: Roe, Oberg and Doremus. **Absent:** Holley and Keslar.

4. NEBRASKA EOC COMPLAINT. It was then moved by Trustee Doremus to adjourn to executive session due to possible litigation. This received a second from Trustee Oberg with the vote as follows: **AYES:** Roe, Oberg and Doremus. **NAYS:** None. **ABSENT:** Holley and Keslar. Motion Carried and the board went into executive session at 7:27 PM.

The Board returned from executive at 7:32 PM at which time Chairman Roe then called the Board of Trustees meeting back to order at which time he informed the public of the reason for the executive session was due to possible litigation and that nothing else other

MINUTE RECORD

DECEMBER 3, 2018

- PAGE 4 -

than the EOC complaint was discussed during the executive session. He then again informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room and directed the Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Oberg and Doremus. Absent: Holley and Keslar.

6. ADJOURNMENT. All agenda items having been considered, Trustee Doremus with a second from Trustee Oberg moved to adjourn the meeting. **AYES:** Roe, Oberg and Doremus. **NAYS:** None. **ABSENT:** Holley and Keslar. Motion Carried. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 7:33 P.M.

RESPECTFULLY SUBMITTED

BONNIE DOREMUS, MMC
VILLAGE CLERK

APPROVED:

WILLIAM C. ROE
CHAIRMAN

CERTIFICATION

I, the undersigned, Village Clerk for the Village of Shelton, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Chairman and Board of Trustees of the Village of Shelton at the regular meeting held on December 3, 2018 and that all the subjects included in the foregoing proceedings were contained in said agenda for at least twenty-four hours prior to said meeting; that said minutes from which the foregoing proceedings have been extracted were available for public inspection within ten working days of the meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; that the notice of the meeting was posted by Assistant Village Clerk Lisa Smith at 10:30 A.M. on November 21, 2018 in five public places in the Village of Shelton, as follows: Village Office, Shelton Post Office, Shelton Clipper, Cornerstone Bank, and Larry's Market.

Dated this 4th day of December, 2018.

BONNIE DOREMUS, MMC
VILLAGE CLERK