

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 16th day of April 2019, at 7:30 p.m. Mayor Ward called the meeting to order.

Notice of meeting was given in advance thereof, and the Open Meetings Act was posted in the meeting room and pointed out by Mayor Ward as required by law.

Roll call found the following Council Members present: Doug Brown, Rick Carmichael, Roger Bailey, Tim Polson, Phil Rogge, Ed Friesen, Brian Schmidt, and Kelly Davis.

Mayor Ward called for the submittal of forms to request future agenda items. No forms were submitted during the meeting.

Mayor Ward read the Consent Agenda:

1. Approval of the Minutes of the Regular Meeting of April 2, 2019.
2. Approval of Claims.
3. Appointment of Dan Lufkin as the Fairbury Code Enforcement Official.

Council Member Rogge moved to approve the consent agenda. Motion seconded by Carmichael. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Under Public Hearings & Presentations, Mayor Ward opened the “Public Hearing regarding an application for Schlake Acres Subdivision preliminary plat, a plat of a part of vacated Lots 7 and 8, Nelson’s Subdivision of the Northwest Quarter of the Southeast Quarter, and all of the Northeast Quarter of the Southeast Quarter of Section 11, and a part of the Southwest Quarter of Section 12, Township 2 North, Range 2 East of the 6th P.M., Jefferson County, NE,” at 7:32 p.m. Development Services Director, Laura Bedlan explained the application and property owner Kendall Schlake verified for the City Council the property that Kevin Schmidt intends to purchase. With no further questions, the public hearing was closed at 7:34 p.m.

Next, a “Public Hearing regarding Conditional Use Permit (CU-2019-001) from Todd Stewart for new and used motor vehicle sales at 408 6th Street, in the C-1 – Downtown Commercial zoning district as provided for in Article 5, Section 5.13 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: East 93.5’ of Lot 4, East 93.5’ of the North 24’9” of Lot 5, adjoining 2’ X 93.5’ along Lot 4, Block 18, Original Town, Fairbury, Jefferson County, Nebraska,” was opened at 7:35 p.m. Once again, Development Services Director, Laura Bedlan explained the proposed conditional use. Mr. Todd Stewart clarified that no vehicles would be offered for sale outside the building. The purpose of the permit is to allow Mr. Stewart the ability to sell unclaimed vehicles that he tows. With no further questions, the public hearing closed at 7:38 p.m.

Next, the City Council held a “Public Hearing regarding the Semi-Annual Review (July 1, 2018 to December 31, 2018) of the Local Option Municipal Sales Tax (LB-840) Program. The hearing opened at 7:39 p.m. City Administrator Bielser shared with the City Council the projects that had been approved for funding during the second half of 2018. With no questions or comments, the public hearing closed at 7:40 p.m.

The “Public Hearing regarding the use of \$40,000 of LB-840 Local Option Sales Tax Funds to be distributed to Northwind Estates as a “Performance Based Grant” for the development of a 16-lot residential subdivision,” was opened at 7:40 p.m. City Administrator Bielser provided information regarding the LB-840 request, noting that this distribution would represent \$10,000 per completed residential unit. It was explained that a similar request was approved for the Jefferson Estates development. With no comments or questions, the public hearing closed at 7:41 p.m.

Subsequently, a “Public Hearing regarding the use of \$50,000 of LB-840 Local Option Sales Tax Funds to be distributed to Blue Valley Community Action as a “Performance Based Grant” as match to a Nebraska Department of Economic Development Affordable Housing Program grant to establish a purchase, rehab, lease, resell housing program in the City of Fairbury,” was opened at 7:42. Ben Schwartz with Blue Valley Community Action (BVCA) approached the Council and described aspects of the program. Mr. Schwartz reviewed the income limits associated with the program, and he verified that if BVCA was awarded the funds, a minimum of four homes would be rehabbed and eligible for lease/resell. Ms. Kim Clark, also with BVCA, informed the City Council that the grant is for 36 months and applicants accepted into the program must have a credit and background check completed. With no additional questions, the public hearing closed at 7:48 p.m.

The last public hearing, a “Public Hearing regarding the use of \$125,000 of Local Option Sales Tax Funds to be distributed to City of Fairbury as a “Public Works Grant” for a road reconstruction project on 13th Street from A to Elm Streets,” opened at 7:49 p.m. City Administrator Bielser discussed the history of the proposed project, noting that the LB-840 Committee had discussed a possible road improvement project for this stretch of road in 2018. Council Member Brown expressed his desire to have LB-840 road funds dedicated to improving streets in the Industrial Park and Council Member Friesen concurred. Brown suggested the request return to the LB-840 Committee for further evaluation and recommended the Committee also consider road improvements in the City’s business park. Price estimates to build industrial roads were shared with staff noting that industrial roads are costlier due to the added thickness and width required. Council Member Carmichael asked about the stormwater improvement scheduled for the area and if a decision impacting this section of road would delay other projects. Staff clarified that action on this proposal would not interfere with already scheduled infrastructure work. With no more questions or comments, the public hearing closed at 8:00 p.m.

The first item of current business, “Consider authorizing Mayor Ward to sign the proclamation celebrating Arbor Day and planting trees at Crystal Springs Park on May 9th, 2019, was presented for consideration. Carmichael moved to authorize Mayor Ward to sign the proclamation.

Motion was seconded by Friesen. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Mayor Ward then introduced business item, “Consider recommendation from the Public Works Committee regarding free swim days at the city pool. Public Works Committee Chair Rogge explained the request and noted that the suggested free swim days would be held June 3rd and August 5th. Rogge moved to approve the recommendation and set the 2019 free swim days. Motion seconded by Schmidt. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Next, the City Council took action to “Consider recommendation from the Public Works Committee regarding a request from Jeff Co on the Move for a resolution designating a Safe Route to School and installing crosswalks and appropriate signage on the designated route.” Once again Rogge described the agenda item and moved to approve the recommendation authorizing a resolution designating a Safe Route to School. Motion seconded by Carmichael. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Business item, “Consider recommendation from Public Works Committee to allow Hope Crisis Center the use of different areas of the City Park from 8:15 am – 10:15 am, on April 27th, 2019 for the 15th Annual “Put your Foot Down Against Sexual Assault” run/walk with barricades being placed at the three entrances to the city park,” was introduced for consideration. Again, Rogge explained the request and noted that nothing significant regarding the event had changed from last year. Rogge then moved to approve the recommendation allowing Hope Crisis Center to use City Park for the 15th Annual “Put your Foot Down Against Sexual Assault” run/walk. Motion seconded by Schmidt. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Next, the City Council entertained business item, “Consider recommendation from the Public Works Committee authorizing Mayor Ward to sign an agreement with Olsson Associates for engineering services related to the B Street 11th to 14th Street and 12th Street E to H Street improvement project and authorize staff to seek bids. Once more, Rogge explained the agenda item and moved to authorize Mayor Ward to sign the agreement with Olsson Associates. Schmidt seconded the motion. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Mayor Ward then introduced agenda item, “Consider proposal submitted from Gill Insurance Service, Inc. for various property and liability insurance coverage.” City Administrator Bielser explained the bidding process and noted that the City received two bids; however, the proposal submitted by the League Association of Risk Management (LARM) was not as competitive and as a result, LARM withdrew their submittal. Bielser then invited Mick Gill with Gill Insurance Service to explain his proposal. Mr. Gill noted that the policy remains with EMC Insurance which has been serving the City for the last nine years. Mr. Gill stressed that due to the City’s efforts to improve safety, the City’s workman’s comp. premium has been reduced by \$66,000 from 2016 levels, the last time the City went out to bid. Mr. Gill presented

the Council with a dividend check from EMC for approximately \$32,000 and requested the City Council consider moving future bidding cycles for property and liability insurance coverage from a 3-year schedule to every 5 years. Bailey moved to approve Gill Insurance's proposal with EMC. Motion seconded by Schmidt. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting "yes." Motion carried.

Subsequently, the City Council took action to "Consider recommendation from the Planning Commission regarding an application for Schlake Acres Subdivision preliminary plat, a plat of a part of vacated Lots 7 and 8, Nelson's Subdivision of the Northwest Quarter of the Southeast Quarter, and all of the Northeast Quarter of the Southeast Quarter of Section 11, and a part of the Southwest Quarter of Section 12, Township 2 North, Range 2 East of the 6th P.M., Jefferson County, Nebraska." Development Services Director Bedlan explained the application and noted that the plat must return to the Planning Commission for a final review. Following the Planning Commission's final review, the proposed final plat application would be submitted to the City Council once again for final determination. Council Member Bailey inquired about the recommended waivers associated with the plat: requirement to construct sidewalk or perform a traffic study and erosion control study. Laura Bedlan explained that if further development were to occur, it would require re-plating the property, and those issues would be reviewed again. With no additional questions or comments, Friesen moved to approve the preliminary plat. The motion was seconded by Carmichael. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting "yes." Motion carried.

Mayor Ward then introduced agenda item, "Consider recommendation from the Planning Commission regarding Conditional Use Permit (CU-2019-001) from Todd Stewart for new and used motor vehicle sales at 408 6th Street, in the C-1 – Downtown Commercial zoning district. Rogge moved to approve the conditional use permit; motion was seconded by Carmichael. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting "yes." Motion carried.

Council Member Brown then requested the next scheduled agenda item, "Consider amendment No. 2 to CES Group Engineering Agreement to include professional engineering services for 13th Street – A to Elm Street improvements," be considered following action on Resolution No. 1082. Brown moved to adjust the agenda accordingly. Motion seconded by Polson. On roll call vote: Brown, Carmichael, Polson, Rogge, Friesen, Schmidt, and Davis, voting "yes." Bailey "no." Motion carried.

The Governing Body then entertained "Resolution No. 1080 - Obligating LB-840 funds in the amount of \$40,000 to Bill Welch/Northwind Estates for the development of a 16-lot residential subdivision." Rogge moved to approve Resolution No. 1080. Council Member Carmichael seconded the motion. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting "yes." Motion carried.

"Resolution No. 1081 – Obligating LB-840 funds in the amount of \$50,000 to Blue Valley Community Action (BVCA) as match to a Nebraska Department of Economic Development Affordable Housing

Program grant to establish a purchase, rehab, lease, resell housing program in the City of Fairbury,” was introduced next. Davis moved to approve Resolution No. 1081. Motion seconded by Rogge. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Next, the City Council considered, “Resolution No. 1082 – Obligating LB-840 funds in the amount of \$125,000 to the City of Fairbury for a road reconstruction project on 13th Street from A to Elm Streets. Brown moved to deny Resolution No. 1082. Motion was seconded by Davis. On roll call vote: Brown, Carmichael, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Bailey “no.” Motion carried.

Following Resolution No. 1082, business item, “Consider amendment No. 2 to CES Group Engineering Agreement to include professional engineering services for 13th Street – A to Elm Street improvements,” was revisited. Friesen moved to disapprove the amendment. Motion seconded by Brown. On roll call vote: Brown, Carmichael, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Bailey “no.” Motion carried.

Mayor Ward then introduced, “Resolution No. 1083 – Providing for the designation of a “Safe Walk to School” route and placement of appropriate signage within the municipality’s jurisdiction and repealing any resolutions in conflict herewith.” Rogge moved to approve Resolution No. 1083. Motion seconded by Carmichael. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Mayor Ward presented the third and final reading of “Ordinance No. 3083 – An ordinance amending City of Fairbury Ordinance No. 3031 to establish water rates; to repeal conflicting ordinance and sections; and to provide for the effective date thereof.” Polson moved to approve the third reading of Ordinance No. 3083. Motion seconded by Rogge. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried. Council Member Schmidt then made a motion to adopt Ordinance No. 3083. Polson seconded the motion. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” Motion carried.

Under reports, City Administrator Bielser shared that the pool is still on schedule to open May 25th. Bielser also informed the Governing Body that a tree planting event at Crystal Springs has been scheduled for May 9th at 9:00 a.m. and all are welcome to attend.

Lastly, Mayor Ward entertained a motion to adjourn. Rogge moved to adjourn. Motion seconded by Carmichael. On roll call vote: Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis, voting “yes.” “The meeting adjourned at 8:26 p.m.

Homer L. Ward, Mayor

Date

Carissa Lufkin, City Clerk

Date