

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 June 2020, at 7:30 PM. Pursuant to Executive Order 20-03 issued by the Governor of the State of Nebraska, this meeting was also held online via Zoom. 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, Tim Polson, Phil Rogge, Brian Schmidt, Roger Bailey (late attendance), Rick Carmichael, Ed Friesen, and Kelly Davis. Absent: None

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 June 2, 2020
2. Approval of the Minutes of the Special Meeting of June 4, 2020
3. Approval of Claims, \$124,904.42
4. Consider appointment of Victor Peterson to the Fairbury Housing Authority Board
5. Consider re-appointment of Stan Smith to the Fairbury Public Library Board

Friesen moved to approve the minutes of the regular meeting of June 2, 2020, special meeting minutes of June 4, 2020, the claims in the amount of \$124,904.42, the appointment of Victor Peterson to the Fairbury Housing Authority Board and the re-appointment of Stan Smith to the Fairbury Public Library Board. Motion was seconded by Carmichael. On roll call vote: Polson, Carmichael, Friesen, Schmidt, and Davis voting “yes.” Brown- abstain- Motion carried.

Next item of business: **Public Hearings/Presentations-**

1. Public Hearing regarding the Annual Review (January 1, 2019- December 31, 2019) of the Local Option Municipal Sales Tax (LB840) Program.

A Community Advisory Review Committee meeting was scheduled to be held Monday, June 15, 2020. A quorum was unable to be reached at that time and the meeting was rescheduled to Wednesday, June 17, 2020. The Public Hearing regarding the Annual Review (January 1, 2019- December 31, 2019) of the Local Option Municipal Sales Tax (LB840) Program will be presented to Council at the July 7, 2020 meeting.

Mayor Ward introduced the first item of current business, “Authorize Mayor Ward to Sign Subordination Agreement Regarding Deed of Trust with Chickasaw Community Bank Pending City Attorney Approval.” The Housing Committee met and recommended signing the subordination agreement for Tammy Throener who had participated in a prior Owner-Occupied Rehab Grant and is now wanting to refinance her home. This is a standard practice and would not change the current

position the City holds on the lien. With no further questions Davis moved to approve having the Mayor sign the subordination agreement regarding the Deed of Trust with Chickasaw Community Bank. Motion was seconded by Rogge. On roll call vote: Brown, Polson, Rogge, Friesen, Carmichael, Schmidt, Bailey, and Davis voting “yes.” Motion Carried.

Mayor Ward introduced the next item of current business, “Consider 2020 Pool Season.” Council was presented with 3 options of hours of operations in which would be feasible for current staff. There would be shorter sessions Sunday thru Thursday of and extended sessions Friday and Saturday. Option #1 Sun-Thurs 1pm-5pm and Fri and Sat 1pm-9pm, Option #2 Sun-Thurs 2pm-6pm and Fri and Sat 1pm-9pm, and Option #3 Sun-Thurs 4pm-8pm and Fri and Sat 1pm-9pm. Rogge discussed that option 2 with an ending time of 6 would allow the possibility of more families to be in attendance. The current DHM states that we can be at 75% capacity which is 240 patrons. Typical attendance for the 2019 season was 300-320 patrons, this was a count throughout the day. With the shortened season and hours of operation having season passes does not seem efficient for the consumer. Patrons would have the option to purchase a 10-punch pass for \$20. Session admission would be \$2/session not the entirety of the day which is .50 less than a day pass was for last season. Renn advised that credit card payments would be accepted this year but would include a convenience fee. Guidelines will be implemented by staff including, cleaning and sanitizing, contract tracing, waivers etc. to ensure the safety of the community. Patrons will be asked to exit after each session and need to go to the end of the line to access the next session if desired. With no further questions Rogge moved to approve option #2 for hours of operation of Sunday-Thursday of 2pm-6pm and Friday and Saturday of 1pm-9pm with a \$2 admission fee per session and offering a 10-punch pass for \$20. Motion was seconded by Schmidt. On roll call vote: Polson, Rogge, Carmichael, Schmidt, Bailey, Brown, Friesen, and Davis voting “yes.” Motion Carried.

RESOLUTIONS AND ORDINANCES:

The next item of business, “Consider adoption of Ordinance 3088 to adopt and impose a sales and use tax, effective as provided by law, of one-half of one percent (1/2%) upon the same transactions within the corporate limits of the City of Fairbury, Jefferson County, Nebraska, on which the state of Nebraska is authorized to impose such a tax pursuant to the Nebraska revenue act of 1967, as amended, and the Nebraska local option revenue act of 1969, as amended; to provide for the administration, assessment, collection, claims, remedies, penalties, and disposition of such sales and use tax; to repeal conflicting ordinances; and to provide for an effective date thereof. With no further questions Friesen motioned to suspend the rules and give all 3 readings to Ordinance 3088 at the June 16, 2020 meeting. Motion was seconded by Brown. On roll call vote: Brown, Polson, Rogge, Friesen, Carmichael, Schmidt, Bailey, and Davis voting “yes.” Motion carried. Friesen motioned to adopt Ordinance 3088 to adopt and impose a sales and use tax, effective as provided by law, of one-half of one percent (1/2%) upon the same transactions within the corporate limits of the City of Fairbury, Jefferson County, Nebraska, on which the state of Nebraska is authorized to impose such a tax pursuant to the Nebraska revenue act of

1967, as amended, and the Nebraska local option revenue act of 1969, as amended; to provide for the administration, assessment, collection, claims, remedies, penalties, and disposition of such sales and use tax; to repeal conflicting ordinances; and to provide for an effective date thereof. Motion was seconded by Carmichael. On roll call vote: Brown, Polson, Rogge, Friesen, Carmichael, Schmidt, Bailey, and Davis voting “yes.” Motion carried.

The next item of business, “Consider adoption of Ordinance 3089 to implement the economic development plan of the City of Fairbury upon the terms set out in the enabling Resolution 1112 and as approved by the voters, pursuant to the Nebraska local option municipal economic development act.” With no further questions Friesen motioned to suspend the rules and give all 3 readings to Ordinance 3089 at the June 16, 2020 Council meeting. Motion was seconded by Carmichael. On roll call vote: Brown, Polson, Rogge, Friesen, Carmichael, Schmidt, Bailey, and Davis voting “yes.” Motion carried. Polson motioned to adopt Ordinance 3089 to implement the economic development plan of the City of Fairbury upon the terms set out in the enabling Resolution 1112 and as approved by the voters, pursuant to the Nebraska local option municipal economic development act. Motion was seconded by Friesen. On roll call vote: Brown, Polson, Rogge, Friesen, Carmichael, Schmidt, Bailey, and Davis voting “yes.” Motion carried.

Reports: City Administrator- City Administrator Renn updated Council that the LB840 gift card multiplier program had a \$5072.90 fund balance remaining.

Mayor Ward then entertained a motion to adjourn. Friesen moved to adjourn. Motion seconded by Brown. On roll call vote: Brown, Carmichael, Polson, Rogge, Schmidt, Friesen, Bailey, and Davis voting “yes.” Motion carried. The meeting adjourned at 7:50 PM.

Homer L. Ward, Mayor

Date

Erin Reimer, City Clerk

Date