

The Mayor and Council of the City of Fairbury met in regular session in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 18th day of July 2017, at 7:30 p.m. Mayor Ward called the meeting to order.

Notice of meeting was given in advance thereof by publication in the Fairbury Journal News, Fairbury, Nebraska, the designated method of giving notice, as shown by affidavit of publication. 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, Ed Friesen, and Brad Kuzelka. Members Phil Rogge and Kelly Davis were absent.

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 20, 2017.
2. Approval of claims.

Polson moved to approve the Consent Agenda. Motion seconded by Carmichael. On roll call, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Brown abstaining. Motion carried.

Mayor Ward opened the Public Hearing regarding the adoption of the H Street Corridor Study. City Administrator Bielser explained that the draft version had been previously presented to the Council. Revisions had been made and representatives with Olsson Associates, the firm who performed the study, were on hand to answer any questions. Discussion ensued about the potential impact that the construction of sidewalks would have to existing trees and landscaping. Olsson Associates informed the Council that was a major concern they received from the public and efforts to avoid tree and landscape removal was a high priority in the creation of the study. City Administrator Bielser stated that if the project were to move forward, City Staff would work closely with property owners to come to a consensus about the location of a future sidewalk. Hearing no other public comments, Mayor Ward closed the Public Hearing.

Mayor Ward then opened the Public Hearing regarding an application for Northgate 5th Addition preliminary plat, a plat of a part of the West ½ East of the Hwy of Section 2-2-2, Jefferson County, Nebraska. Generally located south of the Airport Drive between Industrial Drive and old North K Street, Fairbury, Nebraska. Planning and Zoning Administrator Laura Bedlan explained the project and noted that the Planning Commission had already reviewed the preliminary plat and recommended approval following revisions that the applicant had completed which were representative in the City Council’s packets. Ms. Bedlan also stated that action tonight was only on the preliminary plat. A final plat application would be reviewed by the Planning Commission and the project would come back to the City Council for their consideration at a later date. Hearing no other public comments, Mayor Ward closed the Public Hearing.

First business item, “Consider Adoption of the H Street Corridor Study” was presented. Friesen moved to adopt the Study as presented. Motion was seconded by Kuzelka. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

Next business item, “Consider Agreement with Olsson Associates to Perform Final Design Services for H Street Improvements from 14th Street to 27th Street” was presented by City Administrator Bielser. Bielser explained that this was one action item of many that would commit the Council to moving forward with the H Street Corridor project. Bailey moved to authorize Mayor Ward to sign the agreement with Olsson Associates to begin the final design process for H Street from 14th Street to 27th Street. Motion seconded by Carmichael. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

Next business item, “Consider recommendation from the Planning Commission regarding the application for Northgate 5th Addition preliminary plat, a plat of a part of the West ½ East of the Hwy of Section 2-2-2, Jefferson County, Nebraska. Generally located south of the Airport Drive between Industrial Drive and old North K Street, Fairbury, Nebraska was introduced. Friesen moved to approve the preliminary plat. Motion seconded by Polson. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

The next item of business, “Consider Design/Scope of Services Agreement with Larkin Aquatics” was presented by Bielser. Bielser explained that Larkin Aquatics was the engineering firm that was recommended by the Pool Steering Committee and approved by the City Council at the last meeting to design the new swimming pool. Kyle McCawley with Larkin Aquatics explained the process that would be used to design the pool. The firm would hold community engagement forums and a design would be presented to the City Council for approval in the fall. Bidding would take place in early 2018 and the scheduled opening date would be May 2019. Bailey moved to authorize Mayor Ward to sign the agreement with Larkin Aquatics. Motion seconded by Carmichael. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

Next, the Council considered business item, “Authorize Mayor Ward to Sign CCCFF Grant Agreement.” Bielser explained that the City had been awarded a grant from the Nebraska Department of Economic Development in the amount of \$375,000 to help fund the construction of the new swimming pool. Carmichael moved to authorize Mayor Ward to sign the grant. Motion seconded by Polson. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

Mayor Ward informed the Council that the next item, “Consider Recommendation from the Public Works Committee to allow the Bonham Theater to Barricade the 500 Block of E Street for the Purpose of Providing Live Music and SDL Beer Garden on August 19th, 2017” had been pulled by the applicant. No action taken.

Mayor Ward then introduced Ordinance No. 3068: “An Ordinance Amending Ordinance No. 3066 Regarding the Residential Rental Certificate of Occupancy and Inspection Program to Correct a Scrivener’s Error.” Bielser explained that minor corrections to the program were noticed following

approval of Ordinance No. 3066. Ordinance No. 3068 would enforce those corrections, and Staff recommended the City Council waive the three reading requirement. Council member Friesen moved to suspend the three reading requirement. Motion seconded by Brown. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried. A motion to adopt Ordinance No. 3068 was then made by Carmichael and seconded by Polson. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

Ordinance No. 3069: “An Ordinance creating street improvement district No’s. 2017-1 to 2017-4 (H Street from 14th Street to Highway 15) in the City of Fairbury, Nebraska, Authorizing the Construction of Street Improvements therein at Public Cost and Ordering the Publication of the Ordinance in Pamphlet Form,” was introduced next. Bielser briefly explained the Ordinance and turned it over to Vice President of Ameritas Brad Slaughter for further questions. Discussion ensued about the district extending all the way to Highway 15. Bielser informed the Council that bond counsel had crafted the Ordinance to mirror the scope the H Street Corridor Study. Mr. Slaughter also explained that the inclusion of the entire corridor provided flexibility for the Council in case pavement improvements beyond 27th Street were desired. Bielser reminded the Council that the final design agreement approved by the City Council earlier only ran from 14th to 27th Street. Final design services would be necessary to improve any road segment further north of 27th street which would require Council approval. Council member Friesen then moved to approve the first (1st) reading of Ordinance No. 3069 and forward the matter to a second (2nd) reading. Motion seconded by Polson. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

The City Council then considered “Ordinance No. 3070: An Ordinance providing for the issuance of Street Improvement Bond Anticipation Notes, Series 2017, in the amount of not to exceed four million dollars (\$4,000,000) for the purpose of paying the costs of construction paving improvements within the City of Fairbury, Nebraska and necessary appurtenances thereto; providing for a paying agent and registrar of the notes; agreeing to issue bonds to pay the notes and accrued interest at maturity; prescribing the form of the notes; authorizing the sale and delivery of the notes to the purchaser and ordering the publication of the ordinance in pamphlet form.” Brad Slaughter with Ameritas explained that the Ordinance would allow the City to continue levying the current amount for debt service that would be expiring soon to complete the H Street project. The amount of four million dollars (\$4,000,000) was selected to provide leeway in case of changes in interest rates. It was requested by Staff that the three reading requirement be waived so that work on the project could begin right away. Brown moved to suspend the three reading requirement. Motion seconded by Carmichael. . On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried. Council member Carmichael then moved to adopt Ordinance No. 3070. Motion seconded by Bailey. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried.

Within reports, City Administrator reported that the Community Redevelopment Authority had submitted a grant to the Nebraska Investment Finance Authority to help cover the costs of having a housing study conducted. The last study was completed in 2009. Bielser also updated the City Council that roadwork on B Street, 11th to 14th Streets and 9th Street, from F to H would begin the next day.

With no further reports, Mayor Ward requested a motion to enter into closed session for the purpose of “Discussing Potential Litigation.” Polson moved to enter into executive session. Motion seconded by Bailey. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried. Mayor Ward then reiterated that the closed session was for the purpose of discussing potential litigation and that all Council members, City Attorney Barga, City Administrator Bielser, and City Clerk Lufkin could remain. The Council entered into executive session at 8:15 p.m.

In open session, Friesen moved to come out of closed session. Motion seconded by Carmichael. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried. Open session resumed at 8:28 p.m.

Council member Bailey then moved to adjourn. Motion seconded by Carmichael. On roll call, Brown, Carmichael, Bailey, Polson, Friesen, and Kuzelka, voting “yes”. Motion carried. The meeting adjourned at 8:30 p.m.