

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 6<sup>th</sup> day of August 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 July 16, 2019.
2. Approval of the Claims

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

Mayor Ward introduced Mr. Fred Meyer to present information regarding the 1880 Gatling gun. Mr. Meyer introduced himself as a member of the Plymouth American Legion. Mr. Meyer reviewed the history of the Gatling gun and requested that the City Council consider moving the gun from the Fairbury Museum to the Jefferson County Courthouse. Mr. Meyer provided an example of a display in Kearney County, Nebraska, noting that the desire is to promote the history of the Gatling gun at a facility with longer hours of operation and to showcase the artifact as a war memorial. Mr. Meyer noted that if the request were granted, the gun would not be moved until after May 1, 2020.

Next, Mayor Ward opened the “Hearing for unsafe declaration appeal for property owned by Rollins/Rebecca Jane, Amy Lynn Barker-Rollins, located at 1128 D Street; legally described as the Lot 1, Block 9 of Ashby & Freeman Addition, City of Fairbury, Jefferson County, Nebraska.” The hearing opened at 7:46 p.m. City Attorney Barga presented exhibits associated with the appeal and asked City Code Enforcement Official, Dan Lufkin to explain the condition of the property. Following Mr. Lufkin’s testimony, the owner of the property approached the Council and indicated that she had found a buyer for the house who planned on repairing the property. The owner felt that this arrangement would be best for all parties involved, since this would allow the house to be repaired and would leave the structure on the tax rolls. The public hearing closed at 8:06 p.m.

Under the first item of current business, “Consider Special Designated License for September 7, 2019 and September 14, 2019 from 5:00 p.m. to 11:00 p.m. for Bonham Theatre events. Administrator Bielser explained that the request is similar to other special designated license requests that the Bonham Theater has proposed in the past. Bielser introduced Ms. Brooke Schwab, representing the Bonham Theater. Ms. Schwab explained the request and the process involved to acquire a special designated license from the State of Nebraska. Rogge moved to approve the request. Motion was seconded by Bailey. 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 Fairbury Airport Authority’s tax request of \$37,800 for Fiscal Year 2019-2020.” Administrator Bielser reviewed the Airport Authority’s past tax requests and noted that Ms. Sandi Decker with the airport was present to answer any questions. Ms. Decker provided an update of the airport’s activities and presented draft results of

the airport's economic impact to the community. Bailey moved to approve the request. Motion seconded by Carmichael. On roll call vote, Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis voting "yes." Motion carried.

Mayor Ward introduced the next item of business, "Consider authorizing an additional 1% increase in restricted funds limitation for the 2019-2020 budget for the City of Fairbury." Administrator Bielser explained that the agenda item is a yearly consideration and has been consistently approved in the past. Rogge moved to approve the 1% increase. Motion seconded by Carmichael. On roll call vote, Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis voting "yes." Motion carried.

At the advice of City Attorney Barga, the Governing Body skipped current business items 4 and 5 as both were issues addressed in Resolutions No. 1086 and 1087 respectively.

"Resolution No. 1086, providing for no parking on the east side of H Street from 14<sup>th</sup> Street to 27<sup>th</sup> Street," was then considered. Public Works Committee Chair Rogge explained that the no parking request was reviewed at the July 16<sup>th</sup> meeting of the Public Works Committee and noted that the request would mirror the parking arrangement already established on H Street south of 14<sup>th</sup> Street. Rogge moved to approve Resolution No. 1086, and the motion was seconded by Schmidt. Council member Bailey asked Administrator Bielser if the residents along the section of road had been informed about the proposal. Bielser reported that there had been no communication with the adjacent property owners. Bailey voiced his objection to the increase in no parking areas as the City struggles to enforce current no parking regulations. With no more comments or questions, on roll call vote, Brown, Carmichael, Polson, Rogge, Friesen, Schmidt, and Davis voting "yes." Bailey "no." Motion carried.

Next, the City Council considered "Resolution No. 1087, providing for no parking on the east side of Maple Street from 8<sup>th</sup> Street to 14<sup>th</sup> Street. Again, Public Works Committee Chair Rogge explained the no parking request was reviewed at the July 16<sup>th</sup> meeting of the Public Works Committee and was unanimously recommended for the Council to approve. Rogge moved to approve Resolution No. 1087, which was seconded by Schmidt. Council member Bailey inquired how this request originated. Council member Schmidt reported that he had initiated the action item. Bailey again inquired if adjacent landowners had been consulted and Schmidt reported that he had spoken with neighbors. Bailey voiced his objection to the Resolution for the same reasons indicated previously. With no more comments or questions, on roll call vote, Brown, Carmichael, Polson, Rogge, Friesen, Schmidt, and Davis voting "yes." Bailey "no." Motion carried.

Mayor Ward introduced "Resolution No. 1088, annual certification of program compliance to Nebraska Board of Public Roads Classifications and Standards." Friesen moved to approve Resolution No. 1088. Motion seconded by Carmichael. On roll call vote, Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis voting "yes." Motion carried

Mayor Ward introduced Resolution No. 1089, ordering and directing Amy Barker-Rollins to remedy said unsafe structure on the property located at 1128 D Street; legally described as Lot 1, Block 9, Ashby & Freeman Addition, City of Fairbury, Jefferson County, Nebraska. Friesen moved to approve Resolution No. 1089. Motion was seconded by Brown. On roll call vote, Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis voting "yes." Motion carried.

Under reports, Administrator Bielser reported the results of the latest nitrate tests, informed the Council that Blue Valley Community Action was awarded \$500,000 for their purchase, rehab, lease-purchase program, provided updated pool attendance and revenue figures, and finally noted that the 2020 budget will be proposed with an unchanged mill levy request.

Council member Davis provided an update of the rental inspection program.

Mayor Ward then entertained a motion to go into closed session to “Consider potential land acquisition.” Bailey moved to enter closed session. The motion was seconded by Polson. On roll call vote, Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Schmidt, and Davis voting “yes.” Motion carried. Mayor Ward reiterated the reason for the closed session and invited all elected officials to remain as well as City Attorney Bargaen, Deputy City Clerk Renn, and City Administrator Bielser. Council member Rogge noted that he needed to leave the meeting early and would not be able to attend the closed session. The City Council entered closed session at 8:35 p.m.

Friesen moved to enter back into open session. Motion was seconded by Carmichael. On roll call vote, Brown, Carmichael, Bailey, Polson, Friesen, Schmidt, and Davis voting “yes.” Motion carried. The City Council entered back into open session at 8:43 p.m.

Mayor Ward then entertained a motion to adjourn. Carmichael moved to adjourn. Motion seconded by Brown. On roll call vote: Brown, Carmichael, Bailey, Polson, Friesen, Schmidt, and Davis voting “yes.” Motion carried. The meeting adjourned at 8:44 p.m.

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Homer L. Ward, Mayor

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Date

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Carissa Lufkin, City Clerk

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Date