

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 1st day of September 2020, at 7:30 PM. 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, Rick Carmichael, Ed Friesen, Kelly Davis, and Roger Bailey. 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 August 18, 2020
2. Approval of Claims \$291,248.11

Rogge moved to approve the minutes of the regular meeting of August 18, 2020 and \$291,248.11 in claims. Motion was seconded by Carmichael. On roll call vote: Polson, Carmichael, Friesen, Bailey, Rogge, Davis, and Schmidt voting “yes.” Brown abstaining- Motion carried.

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

Public hearing regarding Conditional Use Permit (CU-2020-001)- Rusty Bartlett (Lot 4 S ½ of Lot 5, Block 19, Original Town, Fairbury) 517 D Street. Laura Bedlan, zoning secretary, discussed with Council that Mr. Bartlett would like to add a bar and hatchet throwing venue to his current restaurant. At the August 17, 2020 Planning Commission hearing the commission found that he proposed application meets the standards set for the in Article 6 of the City of Fairbury 2013 zoning regulations as long as the City attorney agreed that the city could not be liable for accidents due to the use. There was reference to Lincoln facilities regarding the control of liquor---they regulate the liquor permit not the conditional use permit. The City of Fairbury does not regulate liquor permits, therefore would need to add a condition that included no alcohol in the throwing area if they so choose. Mr. Bartlett was present and commented that the lanes would be 15ft long and 5ft wide with enclosures on 3 sides. They are anticipating 6-9 lanes and no one under 12 would be allowed to be in the area. Those 12-17 years of age would need to be with a parent or guardian and have a release of liability waiver signed. The throwing facility would close at 9PM and there would be no alcohol in the designated area. When asked about a potential open date, Mr. Bartlett said they were in the early stages of the addition and there is no set time.

Public hearing regarding the proprietary budget and budget summary for the City of Fairbury Utilities for May 1, 2020 to April 30, 2021. Administrator Renn gave a summary of the water, electric, and

sewer proposed budget for the 2020-2021 year explaining some maintenance that needs to take place and the carryovers of project. The budget indicates expenditures of 21.2 million, up 1.2 million from last year. There is a 1.5 million sub breaker station upgrade planned and with that the budget essentially remains flat compared to last year. The Board of Public Works has been presented and approved the budget at their August 25, 2020 meeting.

Mayor Ward introduced the first item of current business, “Consider the proprietary budget and budget summary for the City of Fairbury utilities for May 1, 2020 to April 30, 2021.” With no further questions Brown moved to approve the proprietary budget and budget summary for the City of Fairbury utilities for May 1, 2020 to April 30, 2021. Motion was seconded by Schmidt. On a roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion carried.

Mayor Ward introduced the next item of current business, “Discussion and recommendation regarding a request from the Fairbury High School to block the downtown square along with 4th Street from East of C to D Streets and D Street from the North side of 3rd Street to 4th Street for a homecoming parade on October 2 from 1PM-5PM.” On August 24, 2020, Fairbury High School submitted a request to barricade and place temporary no parking signs in portions of the downtown area for the annual homecoming parade/pep rally. Public Works met, reviewed this request, and recommends approval. With no further questions, Polson moved to approve the request from Fairbury High School to block the downtown square along with 4th Street from East of C to D Streets and D Street from the North side of 3rd Street to 4th Street for a homecoming parade on October 2 from 1PM-5PM. Motion was seconded by Schmidt. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

Mayor Ward introduced the next item of current business, “Consider recommendation from the Planning Commission regarding Conditional Use Permit (CU-2020-001) from Rusty Bartlett for an indoor recreational facility at 517 D Street, in the C-1, Downtown commercial zoning district.” With no further questions, Rogge moved to approve conditional use permit (CU-2020-001) with the condition of no alcohol in the throwing area. Motion was seconded by Schmidt. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

Mayor Ward then introduced the next item of current business, “Consider authorizing City Administrator Renn to sign Change Order #1 for Project 016-3570, Water System Improvement, consisting of water main and 4th Street improvements.” Craig Reinsch with Olsson Associates explained the changes in the order in three sections; 1. Lowering the existing 12” water mains in preparation for the passage of the storm sewer pipe, change is due to delay in water transmission piping as requested by the City, increase of \$30,890.62. 2. Added 2 curb inlets and 30 l.f. of 15” storm sewer pipe at the east end of 4th Street, also removing and replace existing asphalt on the south side of 4th Street with 6” asphalt in lieu of the mill and overlay 2” work in bid section 3B, increase of \$36570.00. 3. Added pricing for water service line repairs and manhole modifications along 4th Street. Increase of \$7,300 to bid section 3 per unit pricing. Bid section 3 increases from \$783,023.50 to \$826,893.50 with items #2 & #3, bid section 3B decreases from \$19,073.00 to \$0.00. The total for Bid sections 3 and 3A (with 3B

removed) is then \$1,104,856.59, or a bid section 3 change order overall increase of \$24,797.00. Total change order increase \$55,687.62. Brown questioned if the price change to the mains was reasonable...Craig explained they calculations were from the original quoted amounts within the bid. With no further questions, Schmidt moved to authorize City Administrator Renn to sign Change Order #1 for Project 016-3570, Water System Improvement, consisting of water main and 4th Street improvements. Motion was seconded by Friesen. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

Mayor Ward then introduced the next item of current business, “Consider Board of Public Works recommendation to implement the electric distribution department customer service extension/service request policy.” With no further questions, Rogge moved to approve the electric distribution department customer service extension/service request policy. Motion was seconded by Bailey. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

Mayor Ward then introduced the next item of current business, “Consider City’s position and action to be taken regarding the water improvement project.”

Mayor Ward called for a motion to enter executive session to protect the public interest of subject being discussed. The mayor asked for all to leave while retaining: Council, City Clerk, City Administrator, Craig Reinsch- Olsson Associates, and City Attorney.

Friesen moved to enter executive session @ 7:55PM to protect public interest and personal reputation of employees. Motion was seconded by Schmidt. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

Friesen motioned to end executive session and enter regular session @8:25PM, seconded by Schmidt. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

No decision made.

Discussion took place of whether to continue with the water transmission line portion of the Water Improvement Project. There are several concerns effecting the decision. Crystal Springs in currently experiencing a biofilm, that poses zero health risk, in the water which is causing the filter to plug frequently. It currently costs approximately \$6000 per month to replace the filters. A chemical feed from Hawkins is planned to occur but will need a 30-day feed to produce viable test results, the upcoming water tower project inhibits this. The upgrade to the lines at Crystal Springs was originally to take place to accommodate the increase of customer base that the NRD provides services for. With no further questions Friesen motioned to notify contractor VanKirk Brothers, have City Administrator Renn and Mayor Ward negotiate relief from the project and exclude ourselves from the project. Motion was seconded by Brown. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

Mayor Ward then introduced the next item of current business, “Consider authorizing Mayor Homer Ward to execute the memorandum of understanding between the City of Fairbury and Little Blue Natural Resources District and execute any related documents.” Rogge motioned to sign the memorandum of understanding with the Little Blue Natural Resources District. Motion was seconded by Carmichael. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

Mayor Ward then introduced the next item of current business, “Set public hearing concerning setting of the final tax request of 2020-2021 fiscal year for the general fund and the bond fund, set for September 15, 2020.” With no further questions Carmichael motioned to set the public hearing concerning the setting of the final tax request of 2020-2021 fiscal year for the general fund and the bond fund for September 15, 2020. Seconded by Bailey. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried.

RESOLUTIONS AND ORDINANCES:

Ordinance No. 3090, an ordinance of the City of Fairbury repealing all ordinances creating and establishing the City of Fairbury Board of Public Works and providing for the Fairbury city council to reassume such authority. Friesen motioned to suspend the rules and give all 3 readings to Ordinance 3090 at the September 1, 2020 Council meeting. Motion was seconded by Carmichael. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried. Friesen motioned to adopt Ordinance 3090- an ordinance of the City of Fairbury repealing all ordinances creating and establishing the City of Fairbury Board of Public Works and providing for the Fairbury city council to reassume such authority. Motion was seconded by Carmichael. On roll call vote: Polson, Carmichael, Brown, Friesen, Bailey, Rogge Davis, and Schmidt voting “yes.” Motion Carried. Mayor Ward then read the title of Ordinance 3090.

Reports: City Administrator- City Administrator Renn informed Council that there is \$3811 left in the LB840 gift card multiplier program. She also reported that JR Stelzer was willing to provide a second Jeff Man logo at 50% cost of the first one. Kelly Davis would let the donor know that this was approved by the contractor and see if they were still willing to fund the second one. Renn also informed Council that Crystal Springs generated \$4518.00 in camping in August, this was one of the top 4 months in the last 5 years.

Mayor Ward then entertained a motion to adjourn. Bailey moved to adjourn. Motion seconded by Carmichael. On roll call vote: Brown, Carmichael, Polson, Rogge, Schmidt, Davis, Friesen, and Bailey voting “yes.” Motion carried. The meeting adjourned at 8:40 PM.

Homer L. Ward, Mayor

Date

Erin Reimer, City Clerk

Date