

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 5th day of September 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, Tim Polson, Phil Rogge, Brad Kuzelka, and Kelly Davis. Council members Rick Carmichael, Roger Bailey, and Ed Friesen 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 August 15, 2017.
2. Approval of Claims.
3. Approval of appointment of Elvis Carbaugh to the Health Board.
4. Approval of appointment of Thad Corbin to the Museum Board.
5. Approval of re-appointment of Mick Suey to the Museum Board.
6. Approval of appointment of Dan Lufkin to the Tree Board.
7. Approval of appointment of Brian Julin-McCleary to the Housing Committee.
8. Approval of appointment of Elvis Carbaugh to the Housing Committee.
9. Approval of re-appointment of Kristin Vaughn to the Library Board.
10. Approval of re-appointment of Max Lassley to the Board of Adjustment

Davis moved to approve the Consent Agenda. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Under Public Hearings and Presentations, Kuzelka moved to “Set the Public Hearing Concerning Setting of the Final Tax Request for 2017-2018 Fiscal Year for the General Fund and Bond Fund” for September 19, 2017. Davis seconded the motion. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Rogge then moved to “Set the Date of Budget Hearing and Budget Summary for the 2017-2018 Fiscal Year for September 19, 2017.” Polson seconded the motion. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Next, Mayor Ward invited representatives with Public Health Solutions to present their Annual Report. Representatives shared with the Council the 2017 Recycling Resource Directory and explained the organization’s mission, goals, and projects available to residents of Jefferson County.

The next item “Public Hearing Regarding the Final Application for Northgate 5th Addition Final 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 Airport Dr. between Industrial Dr. and Old North K Street, Fairbury, Nebraska,” was introduced by Mayor Ward and explained by Zoning Administrator Bedlan. Bedlan explained that this was the final plat of Northgate 5th Addition and minor corrections had been made by the developer following review of the preliminary plat. Bedlan noted no significant changes or alterations from the preliminary plat which the Council had reviewed at a previous meeting. Bedlan informed the Governing Body that the Planning Commission recommended approval of the final plat. With no further questions or comments, Mayor Ward closed the public hearing.

Mayor Ward then opened the “Public Hearing regarding an application for Sunset Ridge Second Addition preliminary plat, a plat of a section of land located in tax lot 1 of the Northwest ¼ excluding a fraction of section 11-2-2, Jefferson County, Nebraska.” Zoning Administrator Bedlan explained the preliminary plat as presented is in need of minor changes but those would be rectified before consideration of the final plat. The Planning Commission had already reviewed the preliminary plat and recommended the City Council approve the preliminary plat as submitted. With no further questions or comments, Mayor Ward closed the public hearing.

Next, Mayor Ward opened the “Public Hearing regarding territory to be annexed into the city limits of the City of Fairbury, Jefferson County, Nebraska. Proposed area is a plat of a section of land located in tax lot 1 of the Northwest ¼ excluding a fraction of section 11-2-2, Jefferson County, Nebraska. Generally referred to as proposed Sunset Ridge Second Addition.” Again, Zoning Administrator Bedlan explained the item and informed the City Council that the Planning Commission recommended denial of the annexation and instead annexation of Area 12 of the City’s Annexation Plan be reviewed. Bob Brackle, Chair of the Planning Commission, and developer of Sunset Ridge Second Addition approached the Governing Body and explained his plans for the property. Mr. Brackle intends to build a house on the Sunset Ridge Second Addition subdivision and the remainder of the ground would be agricultural in nature. With no further questions or comments, Mayor Ward closed the public hearing.

Mayor Ward then opened the “Public Hearing regarding an application for Northwind Estates preliminary plat, a replat of McLucas Subdivision, Lot 15 excluding the South 5 feet and South 5 feet of lot 16, Jefferson County, Nebraska. Generally located at 2502 H ST.” Zoning Administrator Bedlan explained the preliminary plat as presented is in need of minor changes but those would be rectified before consideration of the final plat. The Planning Commission had already reviewed the preliminary plat and recommended the City Council approve the preliminary plat as submitted. With no further questions or comments, Mayor Ward closed the public hearing.

Next, Mayor Ward opened the “Public Hearing regarding Conditional Use Permit (CU-2017-005) from HNM Cat Adoption Center. To allow for an Animal Shelter in the C-1 – Downtown Commercial zoning district as provided for in Article 5, Section 5.13.04, and Article 6.01 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: a fraction of lots 16 through 18, Block 24, Original Town, Jefferson County, Nebraska. Generally located

at 311 4th Street.” Again, Zoning Administrator Bedlan presented the item and shared that the Planning Commission recommended approval of the Conditional Use Permit. With no further questions or comments, Mayor Ward closed the public hearing.

Following the public hearings, Administrator Bielser presented an overview of the 2018 budget. Bielser informed the Governing Body that the 2018 budget remains relatively flat compared to 2017; however, some departments will rely on their reserves. Bielser noted that the reserves were healthy and would need to be drawn down anyhow. Rising personnel costs including health insurance costs are the biggest factors impacting the City’s budget. With limited tax growth, getting the utilities financially healthy and implementing franchise fees on the City’s utilities should be considered. Bielser finished by stating that all of the priorities identified in the 2016 citizen satisfaction survey were being addressed in the 2018 budget.

Mayor Ward then introduced the first item of business, “Consider Mayor Ward’s Appointment of Steve Zimmerman as the Volunteer Emergency Services Coordinator for the City of Fairbury.” Brown moved to approve the appointment. Motion seconded by Rogge. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Next item of business, “Consider Volunteer Emergency Services Coordinator Agreement with Steve Zimmerman,” was presented by Mayor Ward. Rogge moved to approve the agreement with Steve Zimmerman. Motion seconded by Davis. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Business item, “Consider recommendation from the Planning Commission regarding the final application for North Gate 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 Airport Dr. between Industrial Dr. and old North K Street, Fairbury, Nebraska,” was introduced. Polson moved to approve the final plat as presented. Motion seconded by Rogge. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Next, “Consider recommendation from the Planning Commission regarding an application for Sunset Ridge Second Addition preliminary plat, a plat of a section of land located in tax lot 1 of the Northwest ¼ excluding a fraction of section 11-2-2, Jefferson County, Nebraska” was announced. Rogge moved to approve the preliminary plat as presented. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Business item, “Consider recommendation from the Planning Commission regarding an application for Northwind Estates preliminary plat, a replat of McLucas Subdivision, Lot 15 excluding the South 5 feet and South 5 feet of lot 16, Jefferson County, Nebraska. Generally located at 2502 H ST,” was introduced next. Polson moved to approve the preliminary plat as presented. Motion seconded by Brown. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Next, the Council entertained business item, “Consider recommendation from the Planning Commission regarding Conditional Use Permit (CU-2017-005) from HNM Cat Adoption Center. To allow for an

Animal Shelter in the C-1 – Downtown Commercial zoning district as provided for in Article 5, Section 5.13.04, and Article 6.01 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: a fraction of lots 16 through 18, Block 24, Original Town, Jefferson County, Nebraska. Generally located at 311 4th Street.” Council member Polson moved to approve the Conditional Use Permit. Motion seconded by Brown. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Next Administrator Bielser explained the business item, “Consider Request for Payment of Southeast Nebraska Development District (SEND) FY2018 Membership Dues.” Bielser explained that being a member of SEND has been very beneficial to the City and the organization has helped secure hundreds of thousands of grant dollars for Fairbury. Membership dues remain at the same level as last year, \$2,125. Rogge moved to approve payment of the membership dues. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Bielser then explained the next agenda item, “Consider request for Payment of SEND FY2018 Housing Dues.” Bielser informed the City Council that the housing dues are a voluntary contribution and that the City has paid housing dues in the past. Within the last two years, SEND has helped Fairbury acquire over \$500,000 in federal housing rehabilitation grant dollars. SEND is requesting the same level of contribution as last year, \$1,183. Rogge moved to approve payment of the housing dues. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

The next business item introduced was “Consider recommendation from the Public Works Committee regarding a request from the Fairbury Chamber of Commerce to block off the downtown square for “Trunk or Treat” from 4:30 p.m.–6:30 p.m. on October 31, 2017.” Public Works Committee Chair, Councilman Kuzelka moved to accept the recommendation of the Public Works Committee and accommodate the annual Trunk or Treat event on October 31, 2017 from 4:30 p.m. to 6:30 p.m. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

“Consider recommendation from the Public Works Committee regarding request from the Fairbury Chamber of Commerce to block off 4th Street from E Street to F Street for the Shamrock Shuffle 5K Run/Walk from 9:30 a.m. – 2:00 p.m. on March 17, 2018, and for the use of picnic tables during this event,” was considered next. Councilman Davis moved to approve the recommendation of the Public Works Committee and accommodate the annual Shamrock Shuffle 5K Run/Walk from 9:30 a.m. to 2:00 p.m. on March 17, 2018. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

The last item of business, “Consider Special Designated Liquor License application for the Fairbury Chamber of Commerce for a “Pork ‘N’ Pints” Beer and Wine Tasting Festival to be held at the VFW located at 2337 K Street, Fairbury, Nebraska on April 28, 2018 from 5:00 p.m. to 10:00 p.m. This will be held inside with Microbreweries and distributors represented, offering samples of their selected brews

and wines and selling unopened bottles of wine,” was presented. Rogge moved to approve the Special Designated Liquor License application for the Chamber of Commerce’s annual “Pork ‘N Pints” Beer and Wine Tasting Festival. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Under Resolution and Ordinances, “Resolution No. 1050: Reimbursement of Swimming Pool Expenditures” was introduced by Mayor Ward. Phil Lorenzen with D.A. Davidson was present to explain the purpose of the resolution and answer any questions. Resolution No. 1050 will allow the City to reimburse itself, up to \$250,000, for any advance expenses incurred by the City for the pool project through bond proceeds. Rogge moved to approve Resolution No. 1050. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Following Resolution No. 1050, “Ordinance No. 3071: An Ordinance of the City of Fairbury, Nebraska, Authorizing the Issuance of General Obligation Swimming Pool Bonds, Series 2017, of the City of Fairbury, in the Principal Amount of up to One Million Five Hundred Thousand Dollars (\$1,500,000) to Pay a Portion of the Cost of Removing the City’s Current Swimming Pool and Preparing the Site, Constructing a New Swimming Pool (Aquatic Center) on Said Site, Including Construction of a Bath House, Providing the Necessary Equipment and Apparatus for such Pool; and Providing for Other Park Improvements; Prescribing the Form of Said Bonds; Providing for the Levy of Taxes to Pay the Same After the Application of Other Funds Available Therefor; and Providing for Publication of the Ordinance in Pamphlet Form,” was presented for consideration. Again, Phil Lorenzen with D.A. Davidson explained the purpose of Ordinance No. 3071. After discussion regarding market conditions and marketability of bonds, a motion was made to approve the first reading of Ordinance No. 3071 with the amendments as presented. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Ordinance No. 3072: “An Ordinance of the City of Fairbury, Nebraska to Extend the Boundaries of the City and Include within the Corporate Limits of, And to Annex into the City of Fairbury, Nebraska, a Tract of Land That is Contiguous and Adjacent to the Current Municipal Limits as More Fully Described Herein; Directing the Same to be Recorded by the Jefferson County Register of Deeds; to Provide for the Repeal of Conflicting Ordinances or Sections; to Provide for the Effective Date Thereof; and Order the Publication of Ordinance in Pamphlet Form,” was introduced next. Council member Polson moved to approve the first reading of Ordinance 3072. Motion seconded by Kuzelka. On roll call, Polson, Kuzelka, and Davis voting “yes.” Brown and Rogge voting “no.” Motion carried.

Under reports, Administrator Bielser reported that fall 2017 chip and seal work would begin mid-September.

Council member Kuzelka reported that the Pool Steering Committee would be meeting September 11, 2017, at 6:00 p.m. to begin pool design discussions with representatives of Larkin Aquatics.

With no further reports, Mayor Ward entertained a motion to enter into executive session to discuss potential litigation. Council member Rogge moved to enter into executive session. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried. Mayor Ward then reiterated the purpose for the executive session and invited all council members, City Clerk Lufkin, City Attorney David Barga, and City Administrator Bielser to remain. The council entered executive session at 8:57 p.m.

In open session Kuzelka moved to come out of executive session. Motion seconded by Polson. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried. Council came out of executive session at 9:04 p.m.

Following executive session, council member Brown moved to direct the City Attorney to file against McBattas for the recovery of economic development re-use funds. Motion seconded by Kuzelka. On roll call, Brown, Polson, Rogge, Kuzelka, and Davis voting “yes”. Motion carried.

Polson then made a motion to adjourn. Motion seconded by Rogge. Meeting adjourned at 9:06 p.m.