

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 6TH day of October 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, Kelly Davis, Roger Bailey, and Ed Friesen. 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 September 15, 2020
2. Approval of Claims \$1,110,581.45
3. Consider appointment of Tim Polson to the Personnel Committee
4. Consider appointment of Sharon Priefert to the Citizen's Advisory Review Committee (CAR)
5. Approval of American National Bank resolution adding signatories of City Clerk-Erin Reimer, City Administrator- Mary Renn, and Mayor- Homer Ward to the account for the account ending in 3322
6. Consider re-appointment of Leann Krause to the City of Fairbury, Library Board

Davis moved to approve the minutes of the regular meeting of Council on September 15, 2020, \$1,110,581.45 in claims, appointment of Tim Polson to the personnel committee, appointment of Sharon Priefert to the CAR, approval of American National Bank resolution adding signatories of City Clerk-Erin Reimer, City Administrator- Mary Renn, and Mayor- Homer Ward to the account for the account ending in 3322. Motion was seconded by Rogge. On roll call vote: Carmichael, Friesen, Rogge, and Schmidt voting "yes." Brown, Bailey, and Polson abstaining- Motion carried.

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

Public Hearing regarding an application for Vculek Subdivision, the east 195 feet of tax lot 22 together with the vacated south half of lot 4 and lot 5 except the south 23 feet of lot 5 block 1, sunny slope addition to Fairbury located on a part of the southwest quarter of section 10, township 2 north, range 32 east of the 6 pm, Jefferson County Nebraska. Laura Bedlan was present on behalf of the planning and zoning committee and informed council that the committee had met and review the application last month. They asked to consider a utility and road easement. The requests were met, and the application was resubmitted. Attorney Ronald Brackle was present on behalf of the Vculek family to answer any questions and informed council that currently the family has no plan to develop or build on the lots. With no further questions or comments, Mayor Ward closed the public hearing at 7:37 p.m.

Next item of business: **Current Business**

Mayor Ward introduced the first item of current business, “Consider recommendation from the Planning Commission regarding an application for Vculek Subdivision, the east 195 feet of tax lot 22 together with the vacated south half of lot 4 and lot 5 except the south 23 feet of lot 5 block 1, sunny slope addition to Fairbury located on a part of the southwest quarter of section 10, township 2 north, range 32 east of the 6 pm, Jefferson County Nebraska. With no further questions Bailey moved to approve the application for the Vculek Subdivision, the east 195 feet of tax lot 22 together with the vacated south half of lot 4 and lot 5 except the south 23 feet of lot 5 block 1, sunny slope addition to Fairbury located on a part of the southwest quarter of section 10, township 2 north, range 32 east of the 6 pm, Jefferson County Nebraska. Motion was seconded by Carmichael. On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward introduced the next item of current business, “Consider recommendation from City Administrator to approve proposal for Roofing for the Power Plant’s Bottom Section of approximately 2,700 square feet in the amount of \$27,000. Renn stated that while the power plant is no longer staffed and operational, the facility contains critical electrical and water distribution infrastructure necessary for operations. In the 2018-2019, one of the six roofs were replaced and an allocation of \$75,000 was placed into maintenance of structures in the 2019-2020 budget. The repair of the roof did not occur, and funds were pushed to the 2020-2021 budget in the amount of \$55,000. Renn recommends moving forward with the repairs in the amount of \$27,000 with services provided by Chappell Roofing, INC. With no further questions Rogge moved to move forward with the power plant roof repairs in the amount of \$27,000 with services provided by Chappell Roofing, INC. Motion was seconded by Friesen. On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider recommendation from City Administrator to approve proposal for Roofing for the Wastewater Treatment Plant Shop Roof of approximately 3,500 square feet in the amount of \$35,000. The Wastewater Treatment Plant roof has been leaking in two areas; office and shop. Two bids were received for both jobs and were presented to the Board of Public Works on July 28, 2020. The office was approved for repair in the amount of \$6000 and the shop repair was deferred until the next fiscal year. Renn recommends moving forward with the repair proposal from Chappell Roofing, INC in the amount of \$35,000. With no further questions Schmidt moved to move forward with the wastewater plant roof repairs in the amount of \$35,000 with services provided by Chappell Roofing, INC. Motion was seconded by Friesen. On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider recommendation from the City Administrator to rent a temporary generator as back-up power for Project #061-3570-water systems improvements for approximately \$12,000.” Variable frequency drives have been installed at the east wells that operate 24 hours a day to ensure the water transmission lines maintain pressure to serve the public. With the water tower project in full swing and the tower drained, it is imperative to maintain water pressure in the event of power loss. NMC in Lincoln has generators available to rent that can accommodate our needs. The proposed cost is \$4549.21 per month. We will also need to install a control panel in the amount of \$2,900.00. With no further questions, Brown motioned to rent a temporary generator as back-up power for Project #061-3570-water systems improvements for

approximately \$12,000 from NMC upgrade the control panel in the amount of \$2,900.00. Motion was seconded by Friesen. On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider pay request for H Street planning study #16-PP-004, 2016 Project, in the amount of \$3000 for SENDD administration costs, 100% CDBG funded.” This project has been completed but with turnover within SENDD the administration fees were never submitted. The cost associated with administration fees are fully covered by CDBG funds. With no further questions, Friesen moved to approve the \$3000 for SENDD administration for the H Street planning study #16-PP-004, 2016 Project. Motion was seconded by Carmichael. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider recommendation from City Administrator to approve Olsson Associates master agreement work order #2 to prepare the Risk and Resilience assessment for the water department in the amount of \$12,140.00.” The EPA is now requiring water systems that serve more than 3,300 people to complete a mandatory risk and resilience assessment and develop and emergency response plan which must be completed by June 30, 2021 with the emergency plan following and being submitted no later that December 31, 2021. The certification is kept in-house. The level of detail required to complete the assessment will require an engineer to complete. With no further questions, Bailey moved to approve Olsson Associates master agreement work order #2 to prepare the Risk and Resilience assessment for the water department in the amount of \$12,140.00. Motion was seconded by Carmichael. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider authorizing Renn to sign change order #2 for project 016-3570, water system improvement in the amount of \$49,346.00 which consists of ring levee for storm sewer project (\$37,995) and upgrading the RV dump station (\$11,351) in the City Park as part of the park improvement project. Rogge questioned why the levee was not on the initial quote. Eric Bierman with Olsson stated that many similar projects had the permission of the CORPS to not use the ring levee to complete the work. With the recent flooding the CORPS has become stricter with liability issues that could arise and are requesting the levee be installed. Without the installation of the levee that portion of the project can not be completed. The initial quoted amount was able to be adjusted by removing portion such as seeding and gravel to reduce the footprint. The upgrade to the dump station was added and will be covered by grant funds. Van Kirk will perform the upgrade as they are already in the park and the City would see cost savings by not deploying another unit to the site. The upgrade will consist of 2 lanes that will run North and South. With no further questions, Schmidt motioned to approve authorizing Renn to sign change order #2 for project 016-3570, water system improvement in the amount of \$49,346.00 which consists of ring levee for storm sewer project (\$37,995) and upgrading the RV dump station (\$11,351) in the City Park as part of the park improvement project. Motion was seconded by Carmichael. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider the recommendation from the Historic Preservation Committee (HPC) for the use of \$26,550.00 of LB840 local option sales tax funds for financing under the approved economic development plan for Melissa Bennett (Belle’ Rose). HPC met 9/23/20 to review the application for Melissa Bennet-Belle’ Rose at 412 E Street. HPC approved

the following costs: \$1400 in façade work, \$20,000 in structural and \$5,150 code. Rogge questioned why the application did not go from HPC to LB840 for review and then to council in which Renn stated the downtown design challenge grant was a project already approved by the LB840 committee therefore would not need to go back to the committee. With no further questions Rogge moved to approve the recommendation from the Historic Preservation Committee (HPC) for the use of \$26,550.00 of LB840 local option sales tax funds for financing under the approved economic development plan for Melissa Bennett (Belle' Rose). Motion was seconded by Schmidt. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting "yes." Motion carried

Mayor Ward then introduced the next item of current business, "Consider the recommendation from the Historic Preservation Committee (HPC) for the use of \$4,035.00 of LB840 local option sales tax funds for financing under the approved economic development plan for Tiffany Pfaff (Ladybug LLC)."). HPC met 9/23/20 to review the application for Tiffany Pfaff-Ladybug LLC at 518 E Street. HPC approved the following costs: \$2,120 in façade work and \$1,915 code. With no further questions Rogge moved to approve the recommendation from the Historic Preservation Committee (HPC) for the use of \$4,035.00 of LB840 local option sales tax funds for financing under the approved economic development plan for Tiffany Pfaff (Ladybug LLC). Motion was seconded by Schmidt. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting "yes." Motion carried

Mayor Ward then introduced the next item of current business, "Consider selection of water tower logo size for project #016-3570 water system improvements." A team meeting was held on October 6, 2020 and in that meeting the letter sizes and logo sizes were discussed and action needed to be taken to continue on with the project. Council discussed and thoughts were to stay under 10ft with the lettering to avoid the wrapping of the "Fairbury" around the tower and having the Jeff Man be as large as possible avoiding the same. Other discussions were to rotate the design towards the West so you could see it from the highway as you drive by. With no further questions, Carmichael moved to approve to stay under 10ft with the lettering to avoid the wrapping of the "Fairbury" around the tower and having the Jeff Man be as large as possible avoiding the same while also rotating the design towards the West. Motion was seconded by Brown. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting "yes." Motion carried

Mayor Ward then introduced the next item of current business, "Consider customer account #15-165 10694 request for new services estimate." Mark DeBoer of 708 and HWY 15 was present to discuss an estimate for new service to a grain bin. Mr. DeBoer was under the impression that there would be no cost associated with his service request as the Board of Public Works had deemed this work order a no charge. He was given several quotes dependent on the location of the grain bin and has now been asked to pay for new service and thinks the City is being unethical and changing the rules. He states he has no vote as a rural customer and the City has a monopoly on power. City attorney Dave Borgen was present and advised Council that being the City was just notified October 5, 2020 that Mr. DeBoer had filed a suit with the Power Review Board and is now in litigation with Mr. DeBoer that he advised Council not to address the issue at this time.

Mayor Ward then introduced the next item of current business, "Consider approval of the change of manager name on the liquor license for the Fairbury Elks Lodge from Steve Black to Jo Beu." Roger Baily noted the name of Ms. Beu was misspelled on the NE Liquor Control Commission paperwork.

Erin will make note of that and inform the state to change. With no further questions, Friesen moved to approve the change of manager name on the liquor license for the Fairbury Elks Lodge from Steve Black to Jo Beu. Motion was seconded by Schmidt. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider approval of Special Designated Liquor License for the Bonham Theatre for the remaining 5 days they have available in 2020.” Brooke Schwab was present for questions. With no further questions, Schmidt moved to approve the 5 open dates requested by the Bonham Theatre for Special Designated Liquor Licenses. Motion was seconded by Friesen. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider pay request for housing rehabilitation program #16-HO-36004, draw down #1- SENDD administration fees, in the amount of \$7,126.53, CDBG funded.” With no further questions Friesen moved to approve the pay request for housing rehabilitation program #16-HO-36004, draw down #1- SENDD administration fees, in the amount of \$7,126.53, CDBG funded. Motion was seconded by Brown. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Mayor Ward then introduced the next item of current business, “Consider request from the Fairbury Chamber of Commerce to block off the downtown square for “trunk or treat” from 4:30PM to 6:30PM on Saturday, October 31, 2020.” Rogge relayed to Council that in past years Public Works would recommend the approval to Council, but since this is a regular event the consideration would go direct to Council. With no further questions, Rogge moved to approve block off the downtown square for “trunk or treat” from 4:30PM to 6:30PM on Saturday, October 31, 2020. Motion was seconded by Carmichael. On roll call vote: On a roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

RESOLUTIONS AND ORDINANCES:

Ordinance No. 3091, an ordinance to adopt the budget statement to be termed the annual appropriation bill; to approve sums for necessary expenses and liabilities; to provide for an effective date. With no further questions, Friesen motioned to give Ordinance No. 3091 its second reading. Motion was seconded by Rogge. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Resolution No.1127, a resolution of the City of Fairbury to amend resolution No. 643 for the creation of standing committees removing the Board of Public Works member from the personnel committee and repealing any resolutions in conflict herewith.” With no further question, Brown motioned to approve Resolution No.1127, a resolution of the City of Fairbury to amend resolution No. 643 for the creation of standing committees removing the Board of Public Works member from the personnel committee and repealing any resolutions in conflict herewith. Motion was seconded by Friesen. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Resolution No. 1128, to levy and assess costs of nuisance abatement against certain properties. With no further questions, Friesen motioned to approve Resolution No. 1128, to levy and assess costs of nuisance abatement against certain properties. Motion was seconded by Rogge. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Resolution No. 1129, to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program – Belle’ Rose. With no further questions, Rogge motioned to approve Resolution No. 1129, to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program – Belle’ Rose. Motion was seconded by Schmidt. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Resolution No. 1130, to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program – Ladybug LLC. With no further questions, Schmidt motioned to approve Resolution No. 1130, to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program – Ladybug LLC. Motion was seconded by Rogge. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Reports: City Administrator- City Administrator Renn informed Council that the Crystal Springs revenue stream has a new high for September and is tracking well for October.

Mayor Ward then entertained a motion to enter executive session to discuss potential litigation.

Friesen motioned to enter executive session at 8:20PM, motion was seconded by Schmidt. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

Brown motioned to end executive session at 8:45PM, motion was seconded by Friesen. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried

No decision was made.

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

The meeting adjourned at 8:47 PM.

Homer L. Ward, Mayor

Date

Erin Reimer, City Clerk

Date