

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 20TH 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 October 6, 2020
2. Approval of Claims \$601,653.36
3. Consider appointment Cody Moyer to the Downtown Revitalization Steering Committee
4. Consider appointment Kelly Davis to the Downtown Revitalization Steering Committee
5. Consider appointment Jason Grant to the Downtown Revitalization Steering Committee
6. Consider appointment Jamie Lambert to the Downtown Revitalization Steering Committee
7. Consider appointment Lana Likens to the Downtown Revitalization Steering Committee

Rogge moved to approve the minutes of the regular meeting of Council on October 6, 2020, \$601,653.36 in claims, appointment of Cody Moyer to the Downtown Revitalization Steering Committee, appointment of Kelly Davis to the Downtown Revitalization Steering Committee, appointment of Jason Grant to the Downtown Revitalization Steering Committee, appointment of Jamie Lambert to the Downtown Revitalization Steering Committee, and appointment of Lana Likens to the Downtown Revitalization Steering Committee. Motion was seconded by Carmichael. On roll call vote: Carmichael, Friesen, Rogge, Polson, Bailey, and Schmidt voting “yes.” Brown and Davis abstaining- Motion carried.

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

Public hearing regarding a request to vacate the south ½ of lot 4 and lot 5 except the south 23ft of lot 5 block 1, sunny slope addition to Fairbury, Jefferson County NE a property generally located at 1500 Maple Street---Laura Bedlan, Public Works Secretary stated this item is in conjunction with item #2. She also informed council that the developer has requested to postpone the hearing until the necessary signatures on the plat are received. Bailey moved to postpone hearing; motion was seconded by Rogge. On roll call vote: Carmichael, Friesen, Rogge, Polson, Bailey, Brown, Davis, and Schmidt voting “yes.” Motion carried.

Public Hearing regarding the final 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. Friesen moved to postpone hearing; motion was seconded by Rogge. On roll call vote: Carmichael, Friesen, Rogge, Polson, Bailey, Brown, Davis, and Schmidt voting “yes.” Motion carried.

Next item of business: **Current Business**

Mayor Ward introduced the first item of current business, “Consider approval of settlement agreement between the City of Fairbury and the Zimmer’s and authorize the Mayor to execute any and all documents regarding the same.” City Administrator Renn informed council that the Zimmer’s signed the settlement agreement on October 19, 2020 and that Remboldt Ludkte has reviewed as well. Councilman Rogge questioned whether a letter of apology was sent. Renn stated no, while City Attorney Barga did note this was a settlement case, a letter stating our apology for the inconvenience could be sent along with the payment. With no further questions, Bailey moved to approve the settlement agreement between the City of Fairbury and the Zimmer’s and authorize the Mayor to execute all documents regarding the same. Motion was seconded by Brown. 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 authorizing Mayor Ward to sign the standardized system of annual reporting form for the roads and streets financial report for fiscal year ending September 30, 2020.” Street Superintendent Bedlan informed council that this was an annual certification of compliance and budget. With no further questions, Rogge moved to authorize Mayor Ward to sign the standardized system of annual reporting form for the roads and streets financial report for fiscal year ending September 30, 2020. Motion was seconded by Brown. 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 City Administrator Renn to sign change order #3 for project 016-3570, water system improvement in the amount of \$52,650.00 which consists of adding additional asphalt removal by means of milling 2” and placing new asphalt overlay.” Eric Bierman with Olsson was present and informed Council that this was not in the original bid and was something that came up mid construction as the park asphalt is very old and continued to crumble as they cut back to the initial projected bid area. This change order would be to fill the gap which has resulted from the extra cut back. City Administrator Renn advised Council that the bid numbers were requested on September 25 and were not received in a timely fashion therefore Pavers will be moving from our job site to one in Beatrice and is charging a \$4000 remobilization fee. The original quote was roughly \$30,000 and now the change order states \$52,000, Davis questioned this in which Bierman responded the initial focus was on the North side of the park and the South side is also in need. Rogge questioned why there have been so many change orders recently as it seems the projects are not bid correctly. Bierman stated this is something that occurs as there are unforeseen circumstances once construction begins. Brown asked Bierman to give the City the concession of \$4000 for the remobilization due to the fact that action should have been taken by Olsson to get the quote for the additional asphalt in a timely fashion. Bierman agreed that he would make an effort to make this happen. Schmidt asked if there was an estimate if the City would decide to asphalt the entirety of the street in the future. Rogge questioned what would happen if we did not support the

change order. Bierman said the gap would remain during inclement weather and take on moisture. With no further questions, Brown moved to approve change order #3 for project 016-3570, water system improvement in the amount of \$52,650.00 which consists of adding additional asphalt removal by means of milling 2” and placing new asphalt overlay with a \$4000 concession made by Olsson for the remobilization charge. Motion was seconded by Bailey. 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 3rd and final reading. Motion was seconded by Carmichael. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.” Motion carried. Rogge then motioned to adopt Ordinance 3091. Motion was seconded by Schmidt. On roll call vote: Polson, Carmichael, Brown, Friesen, Rogge, Bailey, Davis, and Schmidt voting “yes.”

Resolution No. 1131, annual certification of program compliance to Nebraska board of public roads classifications and standards. With no further questions, Friesen motioned to approve Resolution No. 1131, annual certification of program compliance to Nebraska board of public roads classifications and standards. Motion was seconded by Schmidt. 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 with the low temperatures on the horizon that the water at Crystal Springs could potentially be turned off on Friday October 23, 2020. Jeff will monitor daily until Friday. If the water is turned off notice will be published on the website and posted at Crystal Springs. The downtown revitalization study survey is now live and as of date, 254 residents have responded. A town hall meeting is scheduled for October 28, 2020 for the same.

Rogge noted that the sandblasting on the water tower is occurring 24 hours a day. Renn then stated that Diode is having some issues with some residents’ internet.

Mayor Ward then entertained a motion to adjourn. Rogge moved to adjourn. Motion seconded by Schmidt. 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 8:00 PM.

Homer L. Ward, Mayor

Date

Erin Reimer, City Clerk

Date