

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 15<sup>th</sup> day of April, 2014, at 7:30 p.m. Mayor Homer L. 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, Rick Carmichael, Roger Bailey, Tim Polson, Ed Friesen, Brad Kuzelka, and Kelly Davis. Absent: Phil Rogge.

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 April 1, 2014.
2. Approval of claims.
3. Approval of the March 2014 Reconciliation Report.
4. Approval of the re-appointment of Max Lassley to the Board of Adjustment. Term to expire May 2017.
5. Approval of the re-appointment of Ed Coatman to the Tree Board. Term to expire January 2016.

Bailey moved to approve the consent agenda. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Mayor Ward opened the Public Hearing concerning an application to the Nebraska Department of Economic Development (NDED) for an Affordable Housing Program (AHP) Grant. City Administrator Joseph Parker addressed the Council. Parker stated the Affordable Housing Grant project is in the amount of approximately \$414,000.00 to be used for rehabbing of houses and also for demolition. Parker stated the demolition portion will be in the amount of \$62,750.00; which the City will also contribute \$30,000.00 from the General Fund. Parker stated the City would also have some in-house work that could be done also. Council member Roger Bailey asked if contractors would have to be hired to do the demolition work to utilize the grant money. Parker stated he thought for the City's portion, the City would do the demolition work. Laura Bedlan Assistant Street Superintendent addressed the Council. Bedlan stated the Affordable Housing Program is a three year program with the City putting in \$35,000.00 cash. Bedlan stated we will pursue this like we did a few years ago with the NSP (Neighborhood Stabilization Program). This program is very similar; we will need people to sign up for this program. Bedlan will be getting with the newspaper and the radio to get the word out that we need applicants. Bedlan stated with the full application we need to show interest, we will need

to have citizens that are willing to sign up for the demolition and the owners will retain the property. The Grant funding for the Owner-Occupied Housing Rehabilitation Program with Demolition would consist of at least ten homes being rehabilitated and at least seven structures being demolished. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Polson moved to approve the recommendation from the Finance and Keno Committee to approve the proposal from Scarborough Construction, Inc. out of Grand Island, Nebraska in the amount of \$36,828.00 for the museum roof. Motion seconded by Brown. Friesen stated the Museum received another proposal from Chappell Roofing in the amount of \$92,000.00 for a complete tear off and a new roof. Bailey asked if the whole roof is leaking or if it is just a specific area. Ben McBride Museum Board President addressed the Council. McBride stated it is leaking in the fossil room which is close to the electrical panels for the Museum and it is also leaking in two bathrooms where the main drainage comes through. Bailey stated before the Council meeting a few members talked about being in favor of possibly down the road, whether it be the near future or the distant future, of the Museum getting out of their present building and getting the Museum their own building. Bailey stated he thinks there is some grant funding available, that's why he's not interested in pouring a lot of money into this building – have issues with the roof, issues with the heating and cooling system; the building isn't really designed for what we need, but we gladly took it because we needed some place to move the Museum. Bailey stated there wasn't any long term plans, if we were going to stay there or whether we were going to try to do something to accommodate the Museum to make it a better attraction for the City. Bailey stated he doesn't think it is a very ideal location for where the Museum is at; would like to see the Museum in a different location; maybe the City Park would be an ideal location – we own all the land in the park – maybe could use some land by the Community Building. Bailey stated he feels we need to have a discussion with the community about moving the Museum and would like to see the Museum Board take the lead on moving the Museum to a different location – put together some ideas and do some forward thinking down the road – maybe in the next few years or so to get out of the present building and to get into something a little more substantial. Bailey stated maybe we could have some of the utilities be handled by the City employees doing the electrical, etc. utilizing some of our own employees. McBride stated this still doesn't take care of the water coming in the building; he is in favor of the suggestions, but needs to get the roof fixed. Friesen stated we will fix the roof. Carmichael asked how big of a building they would need for the Museum. McBride stated with some of the events they have they would definitely need a location to have some space especially for the car show, the grill fest, etc. Bailey stated he and Friesen talked today as a starting point – they both liked the idea of utilizing space in the parks – they think it is a good idea because there is ample parking, ample ground available; although they would have to maybe move some things. Bailey thinks if we're going to have the Museum as a vital part of our community we need to get something done with it instead of leaving it in an old school building. Bailey stated he thinks the Museum would get the support of the Council if they would put something together and present it to the Council. Bailey stated he may know someone that could help get some grant money. Bailey stated he is in favor of fixing the roof, whatever needs to be fixed in order to keep the doors open. Davis stated the Museum roof has a concrete deck and he's concerned it could trap water. McBride stated the contractor will use a thermal imaging camera and

will be able to detect where the water is; will cut out the bad spots, get the water out and fix the areas. The contractor thought he would be able to get the project completed in one week. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Polson moved to approve the recommendation from the Finance and Keno Committee to use funding from the Keno Fund in the amount of \$25,637.00 for the museum roof with the remaining \$11,191.00 from the Museum Fund. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Friesen moved to approve the recommendation from the Community Redevelopment Authority (CRA) to approve the Memorandum of Understanding between the City of Fairbury, the Community Redevelopment Authority, and Larry and Paul Schramm. Motion seconded by Carmichael. Friesen stated Paul Schramm presented a project to the CRA which would start on F Street north of 17<sup>th</sup> Street – building two duplexes and a single family residence and would be extending the street with curb and gutter, concrete street, and extension of the water lines and other needed utilities. Construction has been moved up to start by June 1 or sooner, weather permitting. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Brown moved to approve the recommendation from the Personnel Committee to allow the Street and Alley Department to advertise for two minimum wage positions with the garbage so the two full time employees can help with construction; to allow the Park Department to advertise for two minimum wage mowing positions for the summer; and to allow the Swimming Pool Department to advertise for a manager and ten to twelve lifeguards. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Brown moved to approve the recommendation from the Personnel Committee to allow Fairbury Light & Water to advertise for two part time positions and a third position as an intern for the line crew for summer help. Motion seconded by Friesen. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Brown moved to approve the recommendation from the Personnel Committee to allow Fairbury Light & Water to advertise for a first class lineman to replace a lineman that will be retiring. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Brown moved to approve the recommendation from the Personnel Committee to allow the Library to advertise for a part-time position for six to nine hours per week at minimum wage. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Kuzelka stated the Public Works Committee did not have a quorum for their meeting to discuss the request from the Hope Crisis Center but it is the same as last year so the Public Works Committee will present it to the full Council. Polson moved to allow the Hope Crisis Center to barricade all entrances to the City Park in the morning on April 26, 2014 for the 10<sup>th</sup> Annual "Put Your Foot Down Against Sexual Assault" Run/Walk. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Davis moved to approve the recommendation from the Housing Committee regarding CDBG – Citywide Housing Rehabilitation Program – Contract #12-HO-6039 to approve awarding the Rehabilitation Construction Contract for Applicant #003 / 912 A Street and authorizing Mayor Ward to sign the Contract. Motion seconded by Kuzelka. Friesen stated the contractor is JH Construction from Lincoln, Nebraska in the amount of \$24,990.00. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Mayor Ward read from the agenda "approve and adopt a revised Citizen Participation Plan per state CDBG requirements". Parker stated this is apparently standard jargon the Council needs to approve. Mayor Ward asked if the Citizen Participation Plan is the same type of plan that we have had; if it is a renewal. Parker stated there could be some small changes. Bailey asked Parker to read the document. City Clerk Sharyl Preston stated the plan now includes needs for non-English speaking residents; the language change is per state requirements. Bailey moved to approve and adopt a revised Citizen Participation Plan per state CDBG requirements. Motion seconded Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Friesen moved to authorize Mayor Ward to sign the proclamation celebrating Arbor Day and planting a tree at Crystal Springs (instead of McNish Park) on April 25, 2014. Motion seconded by Kuzelka. Mayor Ward read a letter to the Community Volunteers from the Street Department. "It is that time of year again and we are preparing to celebrate Arbor Day by planting a tree at 9:00 a.m. on Friday the 25<sup>th</sup> of April at Crystal Springs Park. The Public Works Department is supplying a tree to plant symbolizing the importance of trees in our community and recognizing that they are a vital component to our cities infrastructure. The City could like to thank its Tree Board members for their timeless efforts overseeing the needs of our community's trees and for helping us to be recognized as a Tree City USA Community again this year. Thanks again for all you do and please feel free to join us at Crystal Springs Park for the celebration." On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Brown moved to adopt Resolution No. 939 authorizing Mayor Ward to sign all documents necessary for the Nebraska Affordable Housing Program (NAHP) Funds. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

Mayor Ward read by title Ordinance No. 3039: AN ORDINANCE AMENDING THE CITY OF FAIRBURY ORDINANCE NO. 3027 AND 3035 TO ESTABLISH RATES, FEES, CHARGES AND COLLECTIONS FOR THE USE OF ELECTRICITY, PURSUANT TO CITY CODE § 53.58, AND REPEALING ORDINANCE NO. 2969; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF. Bailey moved to give 3<sup>rd</sup> reading to Ordinance No. 3039. Motion seconded by Davis. City Attorney stated at the last Council meeting Friesen had discussed the language in the current ordinance still has it rolling back; these rates are effective for one year and if another ordinance is not passed it would roll back to the previous rates. Barga stated he thought Friesen wanted to change that so there would be no need to have to come back to the Council in a year. Friesen stated he thought they left it at two years. Superintendent of Utilities Michael Beachler addressed the Council. Beachler stated when the last rate ordinance was passed, in the motion (they were taking a 4% rate increase) after that rate increase, if they did not take another rate increase it would revert back to the rates that were in the past. Friesen stated that language is not in this ordinance; this is for two years. Barga stated the language he is looking at is in Section 1: “those figures and terms set forth in the schedules incorporated by this Ordinance, (comma) effective for a period on and after the effective date of this Ordinance and continuing for a period of one year thereafter, after which time the rates, fees, charges, and collections for the use of electricity shall revert to those effective just prior to passage of this Ordinance unless and until another Ordinance shall have been passed setting such rates, fees, charges, and collections.” Barga stated he understood that the Council wanted to take that piece out so that the Council will not be coming back again next year to avoid the rates from going backwards. Barga suggested if that is what the Council wants to do; is that they simply amend out of the Ordinance that clause after the comma. Bailey moved to amend Ordinance No. 3039 to take out the language of “effective for a period on and after the effective date of this Ordinance and continuing for a period of one year thereafter, after which time the rates, fees, charges, and collections for the use of electricity shall revert to those effective just prior to passage of this Ordinance unless and until another Ordinance shall have been passed setting such rates, fees, charges, and collections”. Motion seconded by Carmichael. Barga stated as this is worded then the increase in the rates will be effective as long as this Ordinance is effective; if you want to make it a one year rate or a two year rate or however long you want this to be effective, you just have to come back in one year or two years or whenever to change the rates again – this leaves it wide open. On roll call for the amendment to Ordinance No. 3039, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted “yes.” Rogge absent. Motion carried. On roll call for the 3<sup>rd</sup> reading to Ordinance No. 3039 Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted “yes.” Rogge absent. Motion carried. Bailey moved for final passage of Ordinance No. 3039. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted “yes.” Rogge absent. Motion carried.

Within the committee reports, Ed Friesen stated construction has started on the street projects on both E Street and 3<sup>rd</sup> Street.

Polson moved to adjourn the meeting. Motion seconded by Bailey. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried. Meeting adjourned at 8:07 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk