

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 16th day of December, 2014, 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.

City Attorney David Barga administered the Oath of Office to newly elected City Council member Philip Rogge – Ward IV. (Rogge was absent December 2, 2014)

Roll call found the following Council Members present: Doug Brown, Rick Carmichael, Roger Bailey, Tim Polson, Phil Rogge, Ed Friesen, and Brad Kuzelka. Absent: Kelly Davis.

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 December 2, 2014.
2. Approval of claims.
3. Approval of the November 2014 Reconciliation Report.

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

Mayor Ward opened the public hearing regarding amendments to the Fairbury Zoning and Subdivision Regulations – 2013 Edition. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated the information regarding the amendments were in the Council packets. Bedlan stated the Planning Commission is essentially recommending three changes to the Fairbury Zoning Regulations – 2013 Edition, to the City Council for approval: 1) update the airport hazard zone to meet state statute requirements that were changed about one year ago; 2) remove the sale of commercial anhydrous ammonia from the Light Industrial Districts; and 3) increase the size of accessory buildings by a percentage of buildable lot space. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant for the development of a Comprehensive Parks Master Plan and Municipal Pool Feasibility Study. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated this is a recommendation from the Fairbury Pool & Aquatic Committee to look into applying for a parks master plan – not only does it lay out a plan and implement timelines and such for

suggested park projects; it will also give us some artists renderings of possibilities for the swimming pool along with prices. Bedlan stated this is a starting off point for that project. Bedlan stated they hope to utilize any funding they would receive with the grant; and if we finish the study – anything that we could utilize to proceed forward with a civic center grant or a land water conservation grant for pool projects. Bedlan stated if this would all fall into place, we could potentially be doing work by 2016, if we would get all of the grants. Bedlan stated the grant is in the amount of \$30,000.00 for the development of a Comprehensive Parks Master Plan and Municipal Pool Feasibility Study that includes an analysis of existing parks, analysis of the existing municipal pool, development of potential alternatives for future park facilities, and development of potential alternatives for the renovations of the municipal pool. This includes \$28,500.00 for the Parks Master Plan and Pool Feasibility Study; and \$1,500.00 for general administration. This will be supplemented locally by \$9,500.00 of in-kind by the City of Fairbury. Bedlan stated it is always good to have the plan when you are applying for other funding for bricks and mortar type projects. 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 & Keno Committee to have the City pay the \$90.00 fee on the HRA/VEBA accounts. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted “yes.” Davis absent. Motion carried.

Polson moved to approve the recommendation from the Finance & Keno Committee to postpone the cash in lieu of benefit until further information is available. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted “yes.” Davis absent. Motion carried.

Mayor Ward read from the agenda “update on health insurance”. Dan Duren with Benefit Management addressed the Council. Duren stated in July of this year the health insurance was renewing with Blue Cross and Blue Shield, at which point in time, we were able to obtain an opportunity to change the health insurance carrier from Blue Cross and Blue Shield to CoOpportunity. Duren stated he just wants to update the Council where we stand as of December 31, a projected cost for next year. Duren stated in effect of what we have done – we have taken the City out of some positions that they were in: 1) the City was reimbursing providers for health use when an employee would incur expenses – we had a \$5,000.00 deductible on a single and \$10,000.00 deductible for family and the City was reimbursing some of that back to those providers – that has gone away completely; 2) we have dropped the monthly insurance rates down from \$12,216.60 to \$5,358.72 on the Traditional Plan and down from \$54,008.44 to \$39,155.14 on the High Deductible Medical Plan. Duren stated the bulk of the City’s savings is coming from the area of premiums and secondly we have taken away substantial liability on the City’s part from that reimbursement. Duren stated one of the things that they did implement with this process, was an HRA/VEBA which is in effect money the City put in, on behalf of the employees, that the employee can use to pay for their medical expenses – this is adjudicated which means the employee must have a claim that is processed by a third party administrator; this is where the \$90.00 fee came from which was discussed at the Finance & Keno Committee meeting and which the Council just approved the City paying this fee. Duren stated this is approximately \$20,000.00 per month savings to the City

which will take us up to July 30, 2015; the City has an August 1 renewal for health insurance. Duren stated we are in the Affordable Health Care Act; so we will see what happens. Duren stated there has been some pretty substantial savings for the City. Duren stated they are also trying to get those people that can make options for health insurance coverage, to get off on their own – the City had six employees that were taking health insurance just because they did not get a benefit otherwise. They implemented the HRA/VEBA, the in lieu of benefit – which the employee now gets \$400.00 per month that they can use to pay for their family’s medical expenses (if they are no longer on the City’s health insurance). Duren stated the in lieu of benefit is a win/win for both the City and the employee. Duren stated the cash in lieu of was talked about earlier – this is the same approach, that you would give an employee cash in lieu of benefits – they must prove that they have insurance, you can’t just take it and spend it in different places, you have to prove that you have viable insurance protection. Duren stated he will be talking to the attorney to discuss and get the cash in lieu of worked out. No action taken.

Todd Lytle was sworn into office as Part Time Police Officer by City Attorney David Barga, who administered the Oath of Office to Lytle.

Brown moved to approve the recommendation from the Personnel Committee to allow Fairbury Light & Water to hire Scott Layton for the meter reader position. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted “yes.” Davis absent. Motion carried.

Mayor Ward read from the agenda “consider complaint regarding Time Warner Cable”. Kevin Booker addressed the Council. Booker stated what he is asking of the City, is that when Time Warner’s (TWC) franchise agreement comes up to renew in 2016, that the Council open it up for public comment at that time, which is not uncommon. Booker stated this gives the people an opportunity to voice any complaints that they may have with TWC. Booker stated he purchased a property in town about one year ago, located at 1322 A Street. He is very happy with all of the City people, the City Utility, everyone has been very helpful; he had applied for a permit to put up a TV tower, the city’s zoning department spent quite a bit of time helping him figure out exactly what he could do – very appreciative of the help that he received from the City. Booker stated as a result of other repairs in the house, he was not able to construct the tower as high as he wanted to, to pick up TV broadcasts – so in the process of this he got cable TV. Booker stated he had issues with getting the equipment and also the installation. Booker stated as part of his background, he spent twelve years as an employee of a local jurisdiction, a small town in South Dakota, as a police officer and a police chief, after that he became an electrician – has been in the electrical trade ever since. Booker would like the City at the time of the franchise renewal, to also look at the City of Beaver Crossing which was hit by a tornado this last year. The local cable company that provided service, not Time Warner; but this may be something that the City would want to look into with the franchise agreement – is after the tornado, the cable company folded – there are still cables that are laying around; may want to put a clause in the franchise agreement that in the event of something like that, that all abandoned cables be removed so that the City would not have to remove the cables. No action taken.

Kuzelka moved to approve the recommendation from the Public Works Committee, which also approved the recommendation from the Fairbury Pool & Aquatic Committee, to approve the RFQ (Request for Qualifications) from Olsson Associates for the Fairbury Comprehensive Parks Master Plan and Municipal Pool Feasibility Study and for the City to proceed with finalizing the scope of services and budget. Motion seconded by Rogge. Council member Roger Bailey stated his dilemma is that he did not receive his council packet until Saturday afternoon and he was gone most of the weekend; so didn't have a chance to look over all of the information from the different firms, to be able to conscientiously make a recommendation tonight one way or the other on any of the proposals. Bailey moved to postpone, at least until the next meeting, so everybody would have an opportunity to go through and study this information before they make a decision to approve any proposals. Kuzelka stated you did have a committee that was appointed that did look this over and this committee did make a recommendation and it also went to another committee that also made the same recommendation; Kuzelka stated we need to take that into consideration as well. Bailey stated he respects that, but he likes to form his own opinion first; that's all he's asking for. Bedlan stated she understands the consideration of time and she apologizes that there was not more time for him to look at the RFQ's they received. Bedlan stated as Kuzelka had said, this has gone before two other committees prior to coming to the Council; and both committees made the same recommendation. Bedlan stated surprisingly similar and made separately – not in a committee atmosphere – they ranked them all separately and the top three came up in both committees, for everyone essentially. Bedlan stated one issue we do have with this, is that we really do need to make a recommendation on this tonight for the grant reason, because we will be applying for the Planning Grant and we need to prove that we agreed on an RFQ to do this. Bedlan stated we will not actually finalize an agreement with that company until later, so will not discuss price or anything like that until after this meeting; however, we do need to show that we have accepted an RFQ to apply for the planning grant. Bedlan stated the application for the parks planning grant got compressed at the end – instead of having to wait until the first cycle of 2015; there are two cycles, a spring cycle and a fall cycle; we are trying to get on the 2014 cycle, as there was some money left over in the fall cycle of 2014 for the planning grant, and want to utilize that left over money instead of having to wait until the spring cycle in 2015 – again, because we are trying to then spring board off of the planning grant into the civic center grant and the parks grant – so the timeframe got compressed right at the end for the planning grant – typically we would have more time. Bedlan stated they only had one community apply for the planning grants in the fall cycle. Bailey wanted to know how long Bedlan had the RFQ's. Bedlan stated she received the RFQ's on December 5 and took them around that evening to the Pool & Aquatic Committee for their meeting on December 8 – they made their recommendation directly to the Public Works Committee for tonight's meeting. Bedlan stated she did not receive all the Pool & Aquatic's scoring until later in the week; she tried to get the information around as soon as she could. Bailey's motion to postpone, failed for lack of a second. Council member Phil Rogge stated he appreciates what Bailey is saying – if it makes a difference, Olsson Associates was unanimously the first choice of all of the different surveys that came back – they were by far, above anyone else. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Bailey did not vote. Davis absent. Motion carried.

Kuzelka moved to authorize Mayor Ward to sign the Housing Rehabilitation Management Services Contract in the amount of \$20,000.00 between the City of Fairbury and Southeast Nebraska Development District (SEND) for CDBG Grant No. 14-HO-3S061 for the 2014 Citywide Housing Rehabilitation Program. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

Polson moved to authorize Mayor Ward to sign the Professional Services Contract in the amount of \$12,000.00 for Lead Paint Hazards Screen and/or Clearance Service Testing Examinations between the City of Fairbury and Southeast Nebraska Development District (SEND) for CDBG Grant No. 14-HO-3S061 for the 2014 Citywide Housing Rehabilitation Program. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

Polson moved to approve the recommendation from the Public Works Committee 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, 2014. Motion seconded by Rogge. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

Polson moved to approve the recommendation from the Finance and Keno Committee to authorize Mayor Ward to sign the Nebraska County/City Lottery (Keno) Annual Report – Form 35K for fiscal year ending September 30, 2014. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

Friesen moved to approve the Mayor's appointments of the Standing Committees. Motion seconded by Bailey. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

(No changes from previous appointments made December 18, 2012 to Standing Committees: Finance & Keno Committee – Polson (Chair), Davis, Kuzelka, and Brown; Personnel Committee – Brown (Chair), Carmichael, Friesen, and Bundy (now Tedrow) (BOPW); Public Safety Committee – Friesen (Chair), Bailey, Rogge, and Kuzelka; Public Works Committee – Kuzelka (Chair), Davis, Rogge, and Polson; Planning Committee – Davis (Chair), Brown, Bailey, and Carmichael.)

City Attorney David Barga presented a donation from his law firm, Rembolt Ludtke, LLP, to the Fairbury Library Foundation in the amount of \$1,000.00 to use for expanding the overdrive collection (eBooks). Barga stated this is in recognition of their appreciation of serving the City of Fairbury as the City's attorney since 2008. Library Director Karen Fox stated the Library is very grateful to be the recipient this year of Rembolt's generosity. Fox stated they will use this donation to expand their overdrive collection, their ability to borrow eBooks through the Nebraska Library Commission.

Friesen moved to adopt Resolution No. 966 authorizing Mayor Ward to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Fairbury and the Nebraska Department of Economic Development (NDED) for the CDBG grant application for funds to develop a Comprehensive Parks Master Plan and Municipal Pool Feasibility Study. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

Mayor Ward read by title Ordinance No. 3047: AN ORDINANCE AMENDING CITY OF FAIRBURY ORDINANCES NO. 3027 and 3035 TO ESTABLISH AN AVOIDED COST BUY-BACK RATE FOR CUSTOMER-OWNED GENERATION (NET METERING RATE), TO REPEAL CONFLICTING ORDINANCES OR SECTIONS OF ORDINANCES, AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF. Polson moved to give 3rd reading to Ordinance No. 3047. Motion seconded by Rogge. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried. Rogge moved for final passage of Ordinance No. 3047. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

Mayor Ward read by title Ordinance No. 3048: AN ORDINANCE AMENDING THE CITY OF FAIRBURY ZONING REGULATIONS – 2013 EDITION. Polson moved to introduce and give 1st reading to Ordinance No. 3048. Motion seconded by Kuzelka. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried.

Polson moved to adjourn the meeting. Motion seconded by Rogge. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, and Kuzelka voted "yes." Davis absent. Motion carried. Meeting adjourned at 8:09 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk