

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 17<sup>th</sup> day of March, 2015, 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, Rick Carmichael, Roger Bailey, Tim Polson, Phil Rogge, Brad Kuzelka, and Kelly Davis. Absent: Ed Friesen.

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 March 3, 2015.
2. Approval of claims.
3. Approval of the February 2015 Reconciliation Report.

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

Library Director Karen Fox presented the 2013-2014 Annual Report for the Fairbury Public Library. Fox stated two of the major events at the Library this past year did not have to do directly with collection of library services; in January 2014 the Library was closed for one week to replace the heating and cooling system in the library addition and in July 2014 Library Clerk Janice Olberding retired after thirty years of service to the public; except for herself and one part-time person, the library is full of new faces. The transition has both challenges and opportunities as we miss the expertise of former staff and benefit from the fresh perspective and skills of new people. Fox stated the Library's reach beyond the building continues to grow, with the increasing use of Overdrive, the online lending service; check-outs by our patrons have increased by 40% over last year's figures. They also continue to serve those that are unable to come to the library, by providing book delivery service with the help of a local Girl Scout troop. The Library also received a large donation from the estate of Ernest Pavlicek to the Fairbury Library Foundation. Mr. Pavlicek's will, specified that this donation be used for technical materials for the library's collection. The Library Foundation and Library Board are considering how best to use this donation for the benefit of their patrons. Fox stated since she plans to retire this summer, this will be her last report to the Council. Fox thanked the Council for the consideration they have

given to her requests for funds for the Library, both for general support and for necessary maintenance projects over the past seven years that she has been the Library Director. Fox stated she hopes the Council continues to provide this same level of support to the Library so it can continue to be an active participant in the life of the community. Council member Phil Rogge asked if the fees and fines being down by \$1,200.00 from last year were actually from people returning their books on time. Fox stated part of that is the new system of Apollo which allows a grace day, so they lose a day's fines on several items and part of it is they used to have the payments that they got from Inter-Library Loan (ILL) went into those fees and fines and now they are going to go into their account at the Nebraska Library Commission so that they are applied then towards services that the Library purchases through the Library Commission such as the fee for Overdrive. Rogge thanked Fox for her years of service because she has grown the library; he appreciates the work Fox has done with Overdrive, computer classes, etc. it has all done extremely well. Mayor Ward also thanked Fox for her years of service.

Kuzelka moved to approve the recommendation from the Public Works Committee to approve the request from the Pioneer Shrine Club to use the City Park, barricades, dumpsters, and electricity from July 3-5, 2015 for the annual 4<sup>th</sup> of July Flea Market. Motion seconded by Rogge. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Mayor Ward stated the request from the Pioneer Shrine Club concerning a carnival in conjunction with the flea market this year does not need to be considered at this time, as the Pioneer Shrine Club has decided not to do the carnival with the flea market this year.

Polson moved to approve the Special Designated Liquor License application for WunderRosa, LLC for a Wine Sampling/Tasting, on/off sale event to be held at Stagecoach Mall Antiques and Tasting Room located at 508 E Street, Fairbury, Nebraska on August 7, 2015 from 10:00 a.m. to 11:00 p.m. and on August 8, 2015 from 10:00 a.m. to 6:00 p.m. Motion seconded by Carmichael. Rogge asked City Attorney David Bargaen if he had a chance to check the requirements for special designated liquor license applications for the First Friday events if we could approve the entire year or six months at a time. Bargaen stated he will check to see if there could be a standing liquor license. He's not aware that that would be a possibility but he'll check. Council member Rick Carmichael stated the issue could be that usually have different vendors. Bargaen stated he understands, without checking, that the Liquor Commission requires a recommendation from the City Council for each of the applications. Council member Kelly Davis stated if you are a regular liquor license holder and you have a special designated license for a caterer's license then you could have these functions any time that you want each year, even off premises, but you have to go before the governing body each time for approval. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Polson moved to approve the recommendation from the Finance and Keno Committee to authorize Mayor Ward to sign the County/City Lottery Worker License Renewal Application for 2015-2017. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Mayor Ward read from the agenda: "Ordinance No. 3050: 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 THE ORDINANCE IN PAMPHLET FORM." Polson moved to give 2<sup>nd</sup> reading to Ordinance No. 3050. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Mayor Ward read from the agenda: "Ordinance No. 3051: AN ORDINANCE AMENDING ORDINANCE NO. 3043 TO PROVIDE FOR ALTERNATIVE APPROVED INSPECTIONS OF RENTAL UNITS". Rogge moved to introduce and give 1<sup>st</sup> reading to Ordinance No. 3051. Motion seconded by Polson. Barga stated there may be some properties, within the city limits, that are already inspected by some other government entity; if that's the case and if the inspection is approved by the City this allows those properties to use that inspection instead of the City's inspection and still meet the rental inspection ordinance requirements. Council member Roger Bailey asked what other entities are doing inspections. Barga stated he understands that National Investment Finance Authority (NIFA) properties are inspected by the State, some United States Department of Housing and Urban Development (HUD) properties may have a Federal inspection; so the idea is that the ordinance gives the flexibility to allow the City to look at what it is that other governmental entities inspect for and if the City signs off that such inspections meet at least the City's minimum requirement inspection, then such properties could get their certificate without having the City do that inspection. Zoning Administrator Laura Bedlan addressed the Council. Bedlan stated under the proposed amendment, it would have to be another governmental agency that would do the inspection and they would have to meet our requirements as our requirements are set now which would be a yearly inspection and then our list of requirements from the International Property Maintenance Code (IPMC); so they are meeting the same guidelines and it would have to be a government agency doing the inspection. Kelly Davis stated he thought about the only ones in town that this would affect would be Fairbury Gardens, the '23 Apartments, and Blue Valley Community Action's apartment building. Davis said he inspected Blue Valley's building and he could not give them a certificate of occupancy right away, they had to make some changes. Bedlan stated a couple entities have contacted her and said they would be glad to have another pair of eyes look at their

building. Bedlan stated there is no dispute about the inspections, we're just thinking no reason to double up if they are inspecting for the same thing, the same time frame, it may not be necessary to double up on the inspections in one year. Rogge asked how we would know when the other group comes in, that they're doing the inspection to our specification, if we don't check the properties. Bedlan stated she assumes that they would have to sign off on the same form and provide us with that same information; just as Kelly is responsible for that sign off, so would the other governmental agency. Bargaen stated the property owners would have to show that the other governmental inspection to which the property is subject is at least as good as what the City requires, secondly that the property passed that inspection, and third that the inspection was done within the last six months. Bargaen stated it is the idea that it holds properties to the same standard; it just doesn't require two inspections of the same property within the same time frame. Bedlan stated on every property that is inspected from Kelly or anyone else, we get documentation from the inspector that they meet our guidelines; signed by the inspector – which is kept on file in our office. Bedlan recommends that the City Council do all three readings tonight since we're close to our April 1 deadline. Bedlan stated we will not necessarily have all of the property inspections completed; but the sign-up deadline is April 1, 2015 for the landlords to register their properties or present us proof of not needing an inspection for some reason; one would be that they have had an inspection by another governmental entity or the Fairbury Housing Authority is exempt from the inspection, etc. Bedlan stated these entities will need to know if they will need to supply us with an inspection that they may have had within the last six months or to sign up for inspection by April 1, 2015. Bailey moved to suspend the statutory three readings requirement and give all three readings to Ordinance No. 3051. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried. On roll call for the final passage of Ordinance No. 3051, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Within the Committee reports, Kelly Davis stated as of noon today he has done thirty-four inspections this month and has also completed seven re-inspections. Davis stated for those that have signed up and paid the fee, they have all received a letter from him or he sent out the last letters today; it is going well. Davis stated the re-inspections have been fairly simple fixes; some he has them take a picture and text to him instead of going back if it's something simple; if they have more things then he goes back to re-inspect.

Laura Bedlan stated we have a new grant for the "Tree Voucher Program"; if you plant a tree on your private property, the City will pay for 50% of the cost of that tree up to \$100.00. Bedlan stated if anyone is interested, to come talk to her before you buy your tree, as she has a list of what type of tree can be planted and they need to agree on where the tree is going to be planted. Bedlan stated they want to remind people of the importance of trees in the community, what trees do for your property value, etc., but also want to separate the tree from the utility so we're not constantly having utility interruptions, etc. The grant has a short time frame and closes on Arbor Day.

Bailey moved to adjourn the meeting. Motion seconded by Rogge. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried. Meeting adjourned at 8:00 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk