

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 19th day of May, 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, Tim Polson, Phil Rogge, Ed Friesen, and Brad Kuzelka. Absent: Roger Bailey and 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 May 5, 2015.
2. Approval of claims.
3. Approval of the April 2015 Reconciliation Report.

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

Brown moved to approve the recommendation from the Personnel Committee to allow the Library Board to extend the Library Director position to their choice of Deborah Aden. Motion seconded by Carmichael. Library Director Karen Fox asked about letting Aden work as temporary help until the end of July when she will be able to start full time. Deputy City Attorney Mark Fahleson stated the Library Director has the authority to hire temporary help at the normal hourly rate. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Mayor Ward read from the agenda: "consider recommendation from the Personnel Committee regarding the City Administrator employment agreement." Brown stated the Personnel Committee met this evening and has given direction to the Deputy City Attorney to further negotiate the contract and to bring the employment agreement back to the City Council for consideration at a future public meeting. No action taken.

Polson moved to approve the Special Designated Liquor License application for Michael Murman, Glacial Till Vineyard & Winery, LLC for a Beer-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 June 5, 2015 from 10:00 a.m. to 11:30 p.m., on June 6, 2015 from 10:00 a.m. to 6:00 p.m., on June 7, 2015 from 10:00 a.m. to 6:00 p.m., and on June 8, 2015 from 10:00 a.m. to 10:00 p.m. Motion seconded by Rogge. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Polson moved to approve the Special Designated Liquor License application for Bonham Theatre Project for a Fund Raiser event to be held at Stagecoach Mall Antiques and Tasting Room located at 508 E Street, Fairbury, Nebraska on July 3, 2015 from 10:00 a.m. to 11:59 p.m. and on July 4, 2015 from 10:00 a.m. to 6:00 p.m. Motion seconded by Carmichael. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Kuzelka moved to approve the recommendation from the Public Works Committee to approve the request from Blue Valley Community Action (BVCA) to block off and use various areas of the City Park for the annual Duck-N-Run fund raiser on May 30, 2015 from 10:00 a.m. to 12:00 p.m. Motion seconded by Rogge. BVCA will also be using the fountain in the City Park for the ducks. (BVCA will be using the City Park this year as Crystal Springs is still closed due to the May 7, 2015 flooding.) On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Kuzelka moved to approve the recommendation from the Public Works Committee to deny the request to allow camping in the City Park until Crystal Springs reopens. Motion seconded by Polson. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Rogge moved to adopt Resolution No. 972 authorizing the Mayor of the City to cause the City to enter into a Purchase Agreement, in accordance with the terms of the sale, with the Buyer for sale of the Property:

a tract of land (east of Wastewater Treatment Plant) located on a part of the Southwest Quarter of Section 23, Township 2 North, Range 2 East, Jefferson County, Nebraska more fully described below.

For the purpose of this legal description, the basis of bearings is the North line of the Southwest Quarter of said Section 23, having an assumed reference bearing of S 88°05'16" W. Referring to the Center Quarter Corner of said Section 23; thence westerly S 88°05' 16" W, on the North line of the Southwest Quarter of said Section 23, 45.80 feet; thence southerly S 01°02'21" E, 25.00 feet to the Northeast Corner of a tract of land recorded in the Jefferson County Register of Deeds, Deed Book 1 00, Page 365; thence westerly S 88°05'16" W, on the North line of said tract, said North line also being 25.00 feet southerly from the North line of the Southwest Quarter of said Section 23, 200.18 feet, to a point of intersection with the West line of said tract, said West line being marked by 14" Pinched Pipes found on the West line of said tract, said point also being the Point of Beginning; thence southerly S 01°00'36" E, on the West line of said tract in Deed Book 100, Page 365, 200.63 feet, to the Southwest Corner of said tract, said Southwest Corner being marked by a 14" Pinched Pipe, said Corner also being on

the North line of a tract of land recorded in the Jefferson County Register of Deeds, Deed Book 120, Page 527; thence westerly S 88°06' 31" W, on the North line of said tract, 1 00.00 feet, to the Northwest Corner of said tract, said Corner being marked by a 14" Pinched Pipe; thence northerly N 01°00'35" W, 200.60 feet, to a point 25.00 feet southerly from the North line of the Southwest Quarter of said Section 23; thence easterly N 88°05'16" E, on a line 25.00 feet southerly from the North line of the Southwest Quarter of said Section 23, 100.00 feet to the True Point of Beginning: Containing a calculated area of 0.460 acres more or less. Subject to all easements, restrictions, and reservations of record.

Motion seconded by Carmichael. City Clerk Sharyl Preston stated the Board of Public Works at their meeting this morning approved the bid from Guy Stewart d/b/a Fairbury Animal Clinic in the amount of \$3,500.00 for the tract of land located east of the Wastewater Treatment Plant. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Friesen moved to adopt Resolution No. 982 requesting a Deed of Reconveyance be executed for purpose of releasing and extinguishing the lien and encumbrance of Deed of Trust executed by Siebert Communications, Inc., and authorizing Mayor Ward to sign the Beneficiary's Request on said Deed of Reconveyance. Motion seconded by Polson. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Friesen moved to adopt Resolution No. 983 requesting a Deed of Reconveyance be executed for purpose of releasing and extinguishing the lien and encumbrance of Deed of Trust executed by Rick Siebert, Trustee, and authorizing Mayor Ward to sign the Beneficiary's Request on said Deed of Reconveyance. Motion seconded by Brown. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Polson moved to adopt Resolution No. 984 requesting a Deed of Reconveyance be executed for purpose of releasing and extinguishing the lien and encumbrance of Deed of Trust executed by Livingston Enterprises, Inc., and authorizing Mayor Ward to sign the Beneficiary's Request on said Deed of Reconveyance. Motion seconded by Rogge. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried. Mayor Ward stated it is nice to see the successful completion of these projects; it is very good use of the City's funding.

Mayor Ward read from the agenda: "Ordinance No. 3052: AN ORDINANCE AMENDING FAIRBURY MUNICIPAL CODE §§ 133.20 AND 133.22 ADDING VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS TO PROVISIONS REGARDING TOBACCO USE OFFENSES. Polson moved to give 2nd reading to Ordinance No. 3052. Motion seconded by Friesen. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried.

Within the Committee reports, Polson thanked the volunteers that helped during the flooding. Phil Rogge stated as of today the Board of Public Works can now use the water from Crystal Springs without having to totally rely only on the east well. Rogge stated volunteers are still needed to assist in the clean up at Crystal Springs. Assistant Street Superintendent Laura Bedlan stated it is important to note that Crystal Springs is mainly the City's water filtration system and secondly a park. Bedlan gave a brief on the May 7, 2015 flooding: "the city experienced flooding on the 7th of May. Our facilities and infrastructure located in the floodplain were all inundated. We experienced a flash flood situation at the north closure of the levee which also allowed water landside of the levee and exposed the city from 3rd Street to Highway 136 west of the tracks to internal flooding. I believe it is important to note that once the river went down the streets and storm sewer were immediately cleared and all of our utilities provided service throughout the flood and continue to do so today – thanks to all the dedicated employees who pulled together to make this happen. However, some of our facilities experienced significant water damage and will require extensive cleanup. Since the flood, the city's main focus has been to secure all of our critical infrastructure and then, as those become secured, we begin to turn our focus to our facilities like the walking trail and Crystal Springs camp ground. The City is currently working to cleanup and access these and other facilities; unfortunately due to the extensive amount of cleanup, final figures will not be available for quite some time. The initial numbers from the county reached the threshold required for the state to declare a disaster and for them to request that the federal government declare also. We expect to hear in regards to this in the near future.

Rogge moved to adjourn the meeting. Motion seconded by Polson. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, and Kuzelka all voted "yes". Bailey and Davis absent. Motion carried. Meeting adjourned at 7:45 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk