

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 June, 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 June 2, 2015.
2. Approval of claims.
3. Approval of the May 2015 Reconciliation Report.
4. Approval of the resignation of Joseph Grubbs from the Volunteer Fire Department.
5. Approval of the re-appointment of LeAnn Krause to the Library Board. Term to expire July 2019.

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

Mayor Ward opened the public hearing regarding request for a Conditional Use Permit (CU-2015-004) from Wayne Weichel at 1523 E Street, Fairbury, Nebraska. The request is to allow for the construction of an accessory building on a lot without a primary structure in the R-3 – High Density Zoning District as provided for in Article 4, Section 4.12 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: Lots 1-4, Block 5, Gross Heirs Addition, Fairbury, Jefferson County, Nebraska. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated the Planning Commission held a hearing to discuss a request from Weichel for a Conditional Use Permit at 1523 E Street. The Commission reviewed each of the conditional use standards and had no concerns. Bedlan stated the Planning Commission's recommendation to the City Council is to approve the conditional use permit to allow for the construction of an accessory building on a lot without a primary structure. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the public hearing concerning the review of an existing CDBG project in Fairbury: CDBG 13-PP-003 - Fairbury Levee Certification – Phase 1 Program. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated this is the third public hearing concerning the Fairbury Levee Certification – Phase 1 project; only two public hearings are required for the grant. However, in light of our recent flooding, Bedlan thought it would be prudent to let everyone know that the study, Phase 1, has been completed. Bedlan stated the study will be presented to the NRD within the next couple months; this closes out Phase 1 of the study. Bedlan stated essentially the structure of the levee held well; everything is fine with the levee, as far as certification. Bedlan stated there is one issue with some interior drainage south on third street. Bedlan stated there are a few options to remedy the drainage issues; but that would be addressed in Phase 2, 3 or 4 if the City would decide to continue with certification. Bedlan stated the study proves that we have plenty of freeboard, that the levee is holding fine, that the south end which was a concern as far as certification is not actually a concern. Bedlan stated if the City would proceed forward with certification, Phase 2 would look at ways to remedy the interior drainage issues and there would be three options to consider. Bedlan stated if anyone wants to review the study, a copy is available in several of the city offices and a copy will be available at the library. Bedlan stated right now there recommendation is to sit on Phase 1 and wait for FEMA to push forward with certification; no point in spending the money if we don't have to. Bedlan stated we are a provisionally accredited levee which means we are in a PAL agreement with FEMA and until FEMA has money to push forward and force us to certify, we just wait to do that. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the public hearing concerning the use of \$13,452.00 of LB840 Local Option Sales Tax funds to the City of Fairbury as a “Public Works Improvement Grant” for a project consisting of making vital public works storm sewer drainage improvements to the southeast corner of 4th and E Street. This location is in Fairbury's downtown commercial district. Laura Bedlan Assistant Street Superintendent addressed the Council. Bedlan stated the City applied for LB840 funds to make repairs to the storm sewer at 4th and E Streets; the water is infiltrating a business. Bedlan stated the storm sewer drainage project meets the eligible LB840 criteria. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Brown moved to set the hearing date for a Nuisance Declaration Appeal for property owned by Kathleen Thaemert, located at 613 3rd Street, Fairbury, Nebraska for July 7, 2015 at 7:30 p.m. Motion seconded by Rogge. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted “yes”. Friesen absent. Motion carried.

Brown moved to approve the recommendation from the Personnel Committee to postpone action until the next meeting to further study the budget and legal impacts regarding the request to make the Children's Librarian position a 40 hour week. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Rogge moved to authorize Mayor Ward to sign the Memorandum of Understanding between the City of Fairbury and the Fairbury Housing Authority for the completion of environmental reviews for a proposed improvement project. Motion seconded by Polson. Twilya L'Ecuyer Executive Director for the Fairbury Housing Authority addressed the Council. L'Ecuyer stated the Housing Authority has had changes in requirements and regulations from the U.S. Department of Housing and Urban Development (HUD) to access their capital improvement fund; which they receive an allotment each year. L'Ecuyer stated there are three improvement projects which will be held up until they are able to complete the environmental reviews. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Brown moved to authorize Mayor Ward to sign the agreement between the City of Fairbury and Southeast Nebraska Development District (SENDD) for completion of the environmental review process in a proposed project – Fairbury Housing Authority Improvement Project. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Rogge moved to approve the recommendation from the Planning Commission to approve the request for a Conditional Use Permit (CU-2015-004) from Wayne Weichel at 1523 E Street to allow for the construction of an accessory building on a lot without a primary structure. Motion seconded by Kuzelka. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Kuzelka moved to approve the recommendation from the Public Works Committee to approve the request from the Fairbury City Fire Department to block off City Pool Drive (located between the pool and community center) and for use of electricity and dumpsters for National Night Out on August 4, 2015 from 6:00 p.m. – 8:00 p.m. (rain date August 6, 2015). 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: "consider additional liability coverage on the City's policy for the National Night Out on August 4, 2015 for the water fight, obstacle course, and drunk driver simulator." Chris Goeking Volunteer Emergency Services Coordinator addressed the Council. Goeking stated the water fight would be \$100.00 for coverage, the obstacle course would be another \$100.00 for coverage, and the drunk driver simulator which the police department brings down from the State Patrol

would be another \$150.00 for coverage. Goeking stated the additional demonstrations, etc. that the other departments will be doing are not classified as needing additional insurance coverage. Goeking stated the City would be insured if anything would happen. Goeking stated the Rural Fire Department has a bucket brigade which would not need to have additional insurance coverage; the bucket brigade would be covered under the City's blanket coverage. Goeking stated the City's insurance would not cover the other entities as far as the county is concerned, the Rural Fire Department, the Ambulance Department, and the Sheriff's Department would need to discuss coverage with their own insurance company. Council member Kelly Davis asked what the obstacle course consists of. Goeking stated the obstacle course will be set up somewhat like they do when they are testing a volunteer fireman, but scale it way down. Goeking stated he's been instructed, insurance wise, how to set up the obstacle course. Goeking stated everything isn't final yet, but they've discussed making a balance beam, a garden hose where they would pull the garden hose 20–25 feet and then spray a cone or something to that effect; and to make something for the kids to crawl through. Goeking stated if the price of the additional insurance coverage is a concern, he would definitely want to keep the water fight as the water fight was definitely one of the more fun things for the kids to do. Goeking stated the obstacle course could be eliminated if the cost of the additional insurance coverage is a concern. Goeking stated the simulator seemed to have a lot of interest last year from everyone, not just kids. Rogge stated the additional coverage is \$350.00 Goeking stated in looking back at last year he feels it was a tremendous success for the Fire Department, the City, and the public. Mayor Ward stated the National Night Out was very good exposure for all the participants. Davis stated it was very well attended for the first event of this kind; we need to do things for the kids. Carmichael moved to approve the additional liability coverage on the City's policy to allow all the activities for the National Night Out event on August 4, 2015; the water fight in the amount of \$100.00, the obstacle course in the amount of \$100.00, and the drunk driver simulator in the amount of \$150.00. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Bailey moved to adopt Resolution No. 985 obligating LB840 funds for a "Public Works Improvement Grant" in the amount of \$13,452.00 to the City of Fairbury for the "City of Fairbury 4th and E Street Storm Sewer Drainage Project". Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted "yes". Friesen absent. Motion carried.

Within the Mayor's report, Mayor Ward asked Assistant Street Superintendent Laura Bedlan to discuss the pool and park areas. (There had been an article in the newspaper.) Bedlan stated: "as part of my regular job duties I often get the opportunity to speak to the press when Mick Hynek the Street Superintendent is unavailable. And as I am sure many of you are aware I had just such an opportunity about a week and ½ ago when I was contacted by Ashley Jensby of the Fairbury Journal News. At that time I had a short interview with Ms. Jensby regarding the condition of the Fairbury Frontier Fun Park. This interview was very brief, only about 2

minutes, and in retrospect I wish I had spent more time with Ms. Jensby clarifying the maintenance of and the city's future plans for the parks. So in an attempt to clarify some of these issues I would like to do that now. The city currently has one full time permanent park employee and 1 fulltime summer help employee, we have been approved to hire one more summer help and some sanitary summer help (which we use to support park staff when available) however we have received very few applications and these positions have not been filled yet. The summer employees are, for the most part, used to mow the 88 acres of park ground the city maintains and work on minor repairs as needed. That leaves our permanent park manager to repair and maintain all of the park facilities throughout the year and prepare the facilities for their use as their various seasons begin. Again I would like to clarify we do have more than one park employee during the summer months and we have been approved to hire more than we had last year. The downsizing I was referring to when I spoke with Ms. Jensby was in regards to the number of staff we had in 1995 when the park was built. As to the age and condition of the structure I would like to reiterate that the condition of the structure is quite good considering its age and the fact that it is a wood park. There are undoubtable other wood structure parks in Nebraska however ours is one of the oldest and according to the company that designed it reaching its life span (20-25 years). Due to the age of the facility there may be some issues with the structure the most concerning of which is the condition of its main supports, this does not mean however, that the structure will be demolished. It does mean as the article correctly stated it should, and will be reviewed by an engineer that the city has already contracted with as part of the Parks Master Plan, which the city is currently in the process of completing. To clarify, the Parks Master Plan is a planning grant the city got from the Department of Economic Development to review all 5 of the City maintained parks and their facilities and/or lack of facilities. This is a \$30,000.00 grant that will not only be used to review the pool but also all of the other park facilities maintained by the city. There is a specific committee that has already been assigned to this grant review and, here is the good news...there will be town halls and hearings where all individuals (residents or not) will be allowed to come and voice their opinions to the engineers in charge of writing the study. The great part about these types of grants are two fold; the community at large gets an opportunity to voice their opinions and present new and refreshing ideas to the community leaders and once the studies are completed they can be used to help when applying for grant opportunities. I for one am very excited to see all of the support for the fun park and have already enjoyed hearing some new ideas for our parks as a whole. I only hope that this group can continue with this same momentum until we host the town hall so that some of those same ideas can be presented to the engineers and written into the study." Bedlan stated she will put an example from the company that the city has hired to do the parks master plan – they did a study for Auburn and she also set out feasibility studies for the parks master plan that anyone can look at. Bedlan stated Mayor Ward will sign the request for the release of funds for the Parks Master Plan grant tomorrow. Bedlan stated it usually takes DED approximately thirty days; however, we are aware that DED is currently behind on release of funds. Bedlan stated once we get release of funds, the engineer (Olsson Associates) will begin the project. Bedlan stated usually within one to two weeks of beginning the project, the engineers will come

down and start having town hall meetings. The engineers will come, talk to the department heads (about a ½ day); they will then open the town hall later in the day so that we can get people that work two different shifts, to attend. We will contact all the different organizations that use the parks and are concerned about the parks; hopefully the different organizations will be able to send at least one representative from each organization to come in to discuss, with the engineers at the town hall meetings, all their suggestions they may have. The town hall also allows anyone to walk in off the street to come in and talk to the engineers. The town hall really allots the community an opportunity to be heard. Bedlan stated she is looking at the end of July as a possible start date for the project, maybe the beginning to mid-August for the town hall. Bedlan stated as she has done with the town halls in the past, she will blanket the community with information, they will go through the paper, the radio, pass out flyers, will try to get everybody involved to blanket the community with the information for the town hall. Mayor Ward stated there are carry-over funds with the Fairbury Civic Foundation available to be used for repairs of the fun park. Bedlan stated there also seems to be a really great push from the community to actually help with some things at the fun park. Bedlan recommends that we work together on the fun park project. Bedlan stated they will meet with some community members to go over some of the repairs and things that they would like to see happen at the fun park. Bedlan stated maybe some of the things, can immediately happen, she will discuss with them and bring back to Hynek to see what we can manage; and then after that, things that can't be immediate, they can bring to the town hall and have discussion about their concerns with the engineers. Bedlan stated there have been some great ideas and comments; it is nice to be able to have these people come in to work with us on these studies.

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 8:04 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk