

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 21st day of July, 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, Ed Friesen, Brad Kuzelka, 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 July 7, 2015.
2. Approval of claims.
3. Approval of the June 2015 Reconciliation Report.

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

Friesen moved to set the Public Hearing regarding amendments to Section 5.20 FP/FW Floodplain/Floodway District of the Fairbury Comprehensive Plan-2013 Edition for August 4, 2015 at 7:30 p.m. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried.

Mayor Ward read from the agenda "consider Power Plant Operator Maintenance applicants for Fairbury Light & Water." Michael Beachler Superintendent of Utilities addressed the Council. Beachler stated he had obtained permission two weeks ago from the City Council to hire a control room maintenance operator and in the process of doing so; they were declined by the person that they had picked as #1. Beachler stated he contacted Personnel Committee Chair Doug Brown and City Attorney David Barga because at the last City Council meeting names were mentioned of who they wanted to hire; so they felt the request to hire should come back before the City Council. Beachler stated he would like permission to hire #2 of the applicant process for the control room operator and #3 for the lineman position and not mention names. Beachler stated the committee members do know the names of the requested hires; so after the meeting if you want to know, as long as you keep it quiet, the committee members would probably share that with you. Beachler stated he would like

permission to hire a control room maintenance operator. Stan Smith from the radio station asked why not name names, since this is a public record. Friesen stated in offering a job to someone, if it is a public record out in the paper or on the news and they need to give notice, that could cause a problem for them with their current employer; just a courtesy to the applicant so they can give a two week notice. Rogge moved to allow Fairbury Light & Water to hire a plant operator maintenance employee. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried.

Mayor Ward read from the agenda "consider Lineman applicants." Michael Beachler Superintendent of Utilities addressed the Council. Beachler stated he had obtained permission two weeks ago from the City Council to hire two linemen. Beachler stated one accepted and the other declined our offer as he had already accepted a position in another community. Beachler stated he would like permission to hire #3 of the applicant process for the lineman position. Beachler stated the members of the search committee and the personnel committee know the name of the requested hire and we are prepared to offer them a position. Friesen moved to allow Fairbury Light & Water to hire the #3 choice for the lineman position. Motion seconded by Davis. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried. Friesen stated once again if you want to know what those names are, we just ask for your consideration for the applicants. Beachler informed the Council that they had the urge test for the power plant last week and they had sparkling reviews.

Rogge moved to approve the application for the Special Designated Liquor License for James Arthur Vineyards for a Wine Sampling/Tasting event to be held at Stagecoach Mall Antiques and Tasting Room located at 508 E Street, Fairbury, Nebraska on September 4, 2015 from 10:00 a.m. to 10:00 p.m. Motion seconded by Brown. City Clerk Sharyl Preston stated the SDL application was also for September 5, 2015 but Julie Katz (Stagecoach Mall) has been in contact with the Liquor Commission and learned she only has two dates remaining for her SDL requirements for this year so she wants to just use the dates of September 4 and October 2 on the two applications this evening. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried.

Kuzelka moved to approve the application for the Special Designated Liquor License for James Arthur Vineyards for a Wine Sampling/Tasting event to be held at Stagecoach Mall Antiques and Tasting Room located at 508 E Street, Fairbury, Nebraska on October 2, 2015 from 10:00 a.m. to 10:00 p.m. Motion seconded by Polson. (The SDL application was also for October 3, 2015.) On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried.

Mayor Ward read from the agenda “consider recommendation from the Housing Committee regarding CDBG-Citywide Housing Rehabilitation Program – Contract #14-HO-3S061 Award of Rehabilitation Construction Contract and authorizing Mayor Ward to sign: a. Applicant #001 / 820 10th Street; b. Applicant #002 / 828 A Street.” Housing Committee member Kelly Davis stated he received the information from SENDD in an email while he was on vacation; the Housing Committee hasn’t taken any action, so the committee does not have a recommendation for the City Council. Davis stated he looked over the information that was given and has no problems concerning the construction contracts. Bailey moved to approve and also authorize Mayor Ward to sign the Rehabilitation Construction Contract for applicant #001 / 820 10th Street. Motion seconded by Friesen. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted “yes”. Motion carried.

Polson moved to approve and also authorize Mayor Ward to sign the Rehabilitation Construction Contract for applicant #002 / 828 A Street. Motion seconded by Bailey. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted “yes”. Motion carried.

Kuzelka moved to approve the recommendation from the Public Works Committee regarding the request from the Museum Board to block off Elm Street from 11th – 12th Street and 12th Street from Oak Street to A Street for a car show on September 20, 2015 from 8:00 a.m. to 5:00 p.m. Motion seconded by Rogge. Kuzelka stated the car show request is the same as last year. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted “yes”. Motion carried.

Kuzelka moved to authorize Mayor Ward to sign the revised CDBG Contract No. 14-PP-012 between the State of Nebraska Department of Economic Development and the City of Fairbury for the Community Park Master Plan & Feasibility Study. Motion seconded by Carmichael. Laura Bedlan Assistant Street Superintendent addressed the Council. Bedlan stated the contract needed to be revised to add wording that speaks to limited English language proficiency for contractors; which is a DED requirement that needs to be addressed in the contracts. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted “yes”. Motion carried.

Brown moved to ratify the previous vote of the City Council to approve the renewal of the Services Agreement between the City of Fairbury and Davis Home Inspections. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, and Friesen all voted “yes”. Davis abstained. Motion carried.
(The agreement is for rental inspections.)

Kuzelka moved to authorize Mayor Ward to sign the Professional Services Agreement between the City of Fairbury and Olsson Associates for the Community Park Master Plan and for the City to proceed with finalizing the scope of services and budget. Motion seconded by Friesen. Kuzelka stated Southeast Nebraska Development District (SEND), City Attorney David Barga, and the Pool and Aquatic Committee

have all reviewed the scope of services agreement and approved the agreement except for a couple typos in the geotechnical investigation section of the contract. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried.

Rogge moved to approve the appointment of Laura Bedlan, Assistant Street Superintendent, as the authorized representative for the City of Fairbury for the federally declared disaster # FEMA-4225-DR. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried.

Within the Mayor's report, Mayor Ward stated the new City Administrator will assume his duties on Monday, July 27, 2015.

Within the Committee reports, Public Works Committee Chair Brad Kuzelka stated Laura Bedlan had applied for a grant and just received word that the City will be receiving a \$15,000.00 mower from Toro.

In open session, Carmichael moved to enter into closed session for the purpose of protecting the public interest, the subject matter of the closed session being negotiating strategy for possible purchase of land. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried. Mayor Ward confirmed the purpose of the closed session was to protect the public interest, and the subject matter for the closed session is to discuss negotiating strategy for possible purchase of land – designating individuals to remain as Mayor Ward; Council Members Brown, Carmichael, Bailey, Polson, Rogge, Friesen, Kuzelka, and Davis; Street Superintendent Mick Hynek, Assistant Street Superintendent Laura Bedlan, and City Clerk Sharyl Preston and announced the time of the start of the closed session to be 7:50 p.m. (City Attorney David Barga was not in attendance at the Council meeting.)

In open session, Rogge moved to come out of closed session. Motion seconded by Friesen. On roll call, Polson, Bailey, Carmichael, Brown, Davis, Kuzelka, Friesen, and Davis all voted "yes". Motion carried. The Council came out of closed session at 7:59 p.m.

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

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk