

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 1st day of September, 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: Rick Carmichael, Roger Bailey, Tim Polson, Phil Rogge, Brad Kuzelka, and Kelly Davis. Absent: Doug Brown and 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 August 18, 2015.
2. Approval of claims.
3. Approval of the appointments of Travis Gary and Gregory Borch to the Volunteer Fire Department.

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

Mayor Ward opened the Public Hearing for the semi-annual review of the Local Option Sales Tax for the Economic Development (LB840) Program. Darcy Brown member of the Citizens Advisory Review Committee addressed the Council. Darcy stated this report serves to document the review of the functioning and progress of the City of Fairbury Economic Development Program for the six month period from January 1, 2015 to June 30, 2015. Darcy stated during this time period for the Performance Based Grant, the Economic Development Review Committee: three applications were received, processed, approved and funded, and no applications were denied or pending. Darcy stated during this time period for the Downtown Design Challenge Grant, the Historic Preservation Commission: two applications were received, processed, approved and funded, and no applications were denied or pending. Darcy stated no discrepancies were noted in the program review. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the public hearing regarding the request for a Conditional Use Permit (CU-2015-005) from TAS Collision Restoration and Towing at 408 6th Street, Fairbury, Nebraska. The request is to allow for Automotive and Machinery repair shop in the C-1–Downtown Commercial Zoning District as provided for in Article 5, Section 5.13 of the Zoning Ordinance of the City of Fairbury, Nebraska–2013 Edition. The legal description of the property is described as: a fraction of the east 85’ of Lots 4 and 5, Block 18, Original Town, Fairbury, Jefferson County, Nebraska. Todd Stewart owner/operator of TAS Collision Restoration and Towing addressed the Council. Stewart stated they specialize in collision work, restoration, glass replacement, towing services, etc. Stewart stated they have been in business for almost five years; seeing a substantial growth in the business, they want to move into town at a bigger location allowing future opportunities to possibly employ more people. Council member Phil Rogge stated this is basically going to put a body shop back into a shop that was once a body shop. Stewart stated the location is where MH Paint & Body had been located a few years ago. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the public hearing regarding the request for a Conditional Use Permit (CU-2015-006) from Jerry Miller at 2519 K Street, Fairbury, Nebraska. The request is to allow for an agricultural sales and service business in the C-3–Highway Commercial Zoning District as provided for in Article 5, Section 5.15 of the Zoning Ordinance of the City of Fairbury, Nebraska–2013 Edition. The legal description of the property is described as: Lot 3 of McLucas Subdivision a replat of Lots 1 and 2, Fairbury, Jefferson County, Nebraska. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated the Planning Commission recommends approval of Miller’s request. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the Public Hearing regarding an amendment to the Fairbury Zoning and Subdivision Regulations-2013 Edition, specifically; Section 5.06 the Land Use Categories Matrix to add “Recreational Facility, Indoor” as a conditionally granted use in the C-1 Downtown Commercial District of the Fairbury Zoning Regulations-2013 Edition. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated this is an amendment to the zoning regulations to allow for an indoor recreational facility in the downtown commercial district as a conditional use permit which means permits will be reviewed on a case by case basis. Bedlan stated the Planning Commission has been approached by a business in the downtown district; currently it wouldn’t be allowed, but the Planning Commission felt it was reasonable to review and make this an amendment to the zoning regulations. 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 Liquor Control Commission for a Class A Liquor License #A-114728 as submitted by Jason and Nathan Rogers, Pla Mor Lanes and Café, located at 517 D Street. Jason Rogers owner of Pla Mor Lanes and Café addressed the Council. Rogers stated they have applied for a Class A Liquor License (beer) for the bowling alley and café. Rogers stated currently they are open from 5:00 a.m. until 10:00 p.m. seven days a week and will serve breakfast all day. Council member Phil Rogge stated he has heard nothing but good things about Pla Mor Lanes and Café. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Kuzelka moved to set a public hearing concerning setting the final tax request for 2015-2016 Fiscal Year for the General Fund and the Bond Fund for September 15, 2015 at 7:30 p.m. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Bailey moved to set the Budget Hearing and Budget Summary for the 2015-2016 Fiscal Year for September 15, 2015 at 7:30 p.m. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Bailey moved to set the Public Hearing concerning the Proprietary Budget and Budget Summary for the City of Fairbury Utilities for May 1, 2015 to April 30, 2016 for September 15, 2015 at 7:30 p.m. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Rogge moved to set the hearing date for a Nuisance Declaration Appeal for properties owned by Kathleen Thaemert, located at 813 A Street and 928 A Street, Fairbury, Nebraska for September 15, 2015 at 7:30 p.m. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

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

Twilya L'Ecuyer, Executive Director presented the 2015 Annual Report for the Fairbury Housing Authority. L'Ecuyer invited everyone to attend the open house at Parkview Apartments on October 25, 2015.

Ben McBride, President of the Museum Board, presented the 2014–2015 Annual Report for the Museum. McBride invited everyone to attend the 4th annual car show on September 20, 2015.

Bailey moved to approve the recommendation from the Planning Commission to approve the request for a Conditional Use Permit (CU-2015-005) from TAS Collision Restoration and Towing at 408 6th Street, Fairbury, Nebraska to allow for an Automotive and Machinery repair shop in the C-1 Downtown Commercial Zoning District. Motion seconded by Davis. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Rogge moved to approve the recommendation from the Planning Commission to approve the request for a Conditional Use Permit (CU-2015-006) from Jerry Miller at 2519 K Street, Fairbury, Nebraska to allow for an agricultural sales and service business in the C-3-Highway Commercial Zoning District. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Davis moved to recommend to the Liquor Control Commission approval of the application for a Class A Liquor License #A-114728 as submitted by Jason and Nathan Rogers, Pla Mor Lanes and Café, located at 517 D Street, Fairbury, Nebraska. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Kuzelka moved to approve the recommendation from the Public Works Committee to approve the requests from the Student Council and the Homecoming Committee to barricade and place temporary no parking signs in portions of the downtown area for a parade and pep rally on Thursday, September 17, 2015 beginning at 8:00 p.m. with a bonfire following in the City Park west of the Community Building. Motion seconded by Davis. Kuzelka stated the school will carry insurance for the bonfire. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Rogge moved to approve the request for payment of Southeast Nebraska Development District (SEND) FY2016 Membership Dues in the amount of \$2,125.00. Motion seconded by Polson. City Administrator Collin Bielser stated the dues are the same as last year. Bielser stated SEND assists the City with all of our Community Development Block Grants which have provided the City with hundreds of thousands of dollars of grant funding. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis voted "yes." Motion carried

Carmichael moved to approve the request for payment of SEND FY2016 Housing Dues in the amount of \$1,183.00 (same as last year). Motion seconded by Davis. Bielser stated the housing dues are a voluntary payment that cities can do; however the City has received CDBG grants for housing projects the last few years and also has a current CDBG housing project. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis voted "yes." Motion carried.

Bailey moved to adopt Resolution No. 987 to levy and assess costs of nuisance abatement against certain properties. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted “yes”. Brown and Friesen absent. Motion carried.

Mayor Ward read by title Ordinance No. 3054: AN ORDINANCE SETTING SALARIES FOR CITY POLICE DEPARTMENT EMPLOYEES COVERED BY CWA AGREEMENT; PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND REPEALING CONFLICTING ORDINANCES. Polson moved to give 2nd reading of Ordinance No. 3054. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted “yes”. Brown and Friesen absent. Motion carried.

Mayor Ward read by title Ordinance No. 3055: AN ORDINANCE SETTING SALARIES FOR CITY EMPLOYEES COVERED BY IBEW AGREEMENT; PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND REPEALING CONFLICTING ORDINANCES. Polson moved to give 2nd reading of Ordinance No. 3055. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted “yes”. Brown and Friesen absent. Motion carried.

Mayor Ward read by title Ordinance No. 3056: AN ORDINANCE SETTING SALARIES FOR SUPERVISORS AND DEPARTMENT HEADS COVERED BY IUOE AGREEMENT; PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND REPEALING CONFLICTING ORDINANCES. Polson moved to give 2nd reading of Ordinance No. 3056. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted “yes”. Brown and Friesen absent. Motion carried.

Mayor Ward read by title Ordinance No. 3057: AN ORDINANCE AMENDING THE CITY OF FAIRBURY ZONING REGULATIONS-2013 EDITION TO ALLOW INDOOR RECREATIONAL FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE C-1 DOWNTOWN COMMERCIAL DISTRICT. Kuzelka moved to introduce and give 1st reading to Ordinance No. 3057. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted “yes”. Brown and Friesen absent. Motion carried.

Within the City Administrator’s report, Collin Bielser stated the Planning Commission and the Public Works Committee have met to discuss possible projects for a grant opportunity with the Transportation Alternative Program (TAP) which funds sidewalks, trails, etc. Bielser stated all that is required right now is an application for an intent to apply, a brief one page summary of what the City would like to do, then the State will determine if the projects would move on. Bielser stated various projects have been discussed some involving Crystal Springs, some projects in town, etc. The Public Works Committee did authorize to pursue with the intent to apply which is due September 18, 2015. Staff is checking to see if one or multiple intent to apply forms can be submitted. Bielser stated we talked about SENDD earlier helping with our Community Development Block Grants – a component of CDBG is you have to have a

percentage of low to moderate income (LMI) population; the last LMI survey that was done, was in 2011. We've learned that the survey used to be a five year and has now changed to a four year timeframe which is 2015. We're waiting to hear if we can apply for 2016 CDBG funds. We will have to go through the survey process again in 2016.

In open session, Rogge 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 Bailey. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. 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 Carmichael, Bailey, Polson, Rogge, Kuzelka, and Davis; Street Superintendent Mick Hynek, Assistant Street Superintendent Laura Bedlan; City Attorney David Barga, City Administrator Collin Bielser, and City Clerk Sharyl Preston and announced the time of the start of the closed session to be 8:20 p.m.

In open session, Rogge moved to come out of closed session. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried. The Council came out of closed session at 8:31 p.m. Rogge moved to direct staff to further investigate the possibility of real estate purchase. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried.

Bailey moved to adjourn the meeting. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Brown and Friesen absent. Motion carried. Meeting adjourned at 8:32 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk