

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 3<sup>rd</sup> day of November, 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, Brad Kuzelka, and Kelly Davis. Absent: Roger Bailey 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 October 20, 2015.
2. Approval of claims.
3. Approval of the re-appointment of Wayne Buehler to the Board of Adjustment. Term to expire May 2018.
4. Approval of the appointments of Heather McCown, Michael Nickel, Paul Schramm, Nicole Sokolik, and Dara Troxel to the Volunteer Fire Department.

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

Mayor Ward opened the public hearing concerning revocation of Conditional Use Permits (SUA-2000-01) for Maatsch Oil and (SU-2010-02) for Ron and Nancy Byrd as provided for under Article 6, Section 6.06 of the City of Fairbury Zoning Regulations – 2013 Edition. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated the Planning Commission reviews the Conditional Use Permits yearly. Bedlan stated amendments have been made to the zoning regulations that actually now allows what the Conditional Use Permits were issued for. Bedlan stated she contacted the owners and notified them of what is going on with their Conditional Use Permits; they had no objections. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Rogge moved to approve the recommendation from the Planning Commission to declare Conditional Use Permit (SUA-2000-01) for Maatsch Oil located at 1515 K Street null and void as provided under Article 6, Section 6.06 of the City of Fairbury Zoning Regulations – 2013 Edition. Motion seconded by Carmichael. On roll call, Polson, Carmichael, Brown, Rogge, Kuzelka, and Davis voted “yes.” Bailey and Friesen absent. Motion carried.

Brown moved to approve the recommendation from the Planning Commission to declare Conditional Use Permit (SU-2010-02) for Ron and Nancy Byrd located at 711 B Street null and void as provided under Article 6, Section 6.06 of the City of Fairbury Zoning Regulations – 2013 Edition. Motion seconded by Carmichael. On roll call, Polson, Carmichael, Brown, Rogge, Kuzelka, and Davis voted “yes.” Bailey and Friesen absent. Motion carried.

Polson moved to approve the recommendation from the Finance and Keno Committee to approve the request from the Street Department to purchase a detachable gooseneck lowboy trailer. Motion seconded by Brown. (The 2015 Kaufman 35 ton lowboy trailer will be purchased from Veskerna Equipment in the amount of \$24,000.00. Purchase price was \$39,000.00 with a trade-in of \$15,000.00.) On roll call, Polson, Carmichael, Brown, Rogge, Kuzelka, and Davis voted “yes.” Bailey and Friesen absent. Motion carried.

Rogge moved to adopt Resolution No. 996 approving the successful completion of a previously approved and obligated “Reuse Loan” in the amount of \$30,000.00 to McBattas Paper Company d/b/a McBattas Specialty Advertising (Project #11-01). Motion seconded by Carmichael. On roll call, Polson, Carmichael, Brown, Rogge, Kuzelka, and Davis voted “yes.” Bailey and Friesen absent. Motion carried.

Within the City Administrator’s report, Collin Bielser stated the library has received their re-accreditation again which is good until September 30, 2018. Bielser stated the City of Fairbury is listed as one of the Top 50 Small Towns in America. Bielser stated the Union Pacific Railroad will close crossings on November 21, 2015; will try to get more information from the UP to get the word out to the media as to which crossings will be closed and at approximately what time. The UP will be putting sensors under the tracks.

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 Rogge. On roll call, Polson, Carmichael, Brown, Rogge, Kuzelka, and Davis all voted “yes”. Bailey 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 Brown, Carmichael, Polson, Rogge, Kuzelka, and Davis; Street Superintendent Mick Hynek, Assistant Street Superintendent Laura Bedlan; City Attorney David Bargaen, City Administrator Collin

Bielser, and City Clerk Sharyl Preston and announced the time of the start of the closed session to be 7:45 p.m.

In open session, Rogge moved to come out of closed session. Motion seconded by Carmichael. On roll call, Polson, Brown, Carmichael, Rogge, Kuzelka, and Davis all voted "yes". Bailey and Friesen absent. Motion carried. The Council came out of closed session at 7:56 p.m.

Rogge moved to adjourn the meeting. Motion seconded by Carmichael. On roll call, Polson, Carmichael, Brown, Rogge, Kuzelka, and Davis voted "yes." Bailey and Friesen absent. Motion carried. Meeting adjourned at 7:57 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk