

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 December, 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, Ed Friesen, Brad Kuzelka, and Kelly Davis. Absent: Phil Rogge.

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 November 17, 2015.
2. Approval of claims.
3. Approval of the appointment of Carl Hoeting to the Planning Commission. Term to expire September 2018.

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

Mayor Ward stated the public hearing regarding an application for Sunset Ridge Addition Preliminary Plat, a plat of a part of the Northwest ¼ of Section 11-2-2, Jefferson County, Nebraska, located at 2006 E Street in Fairbury, Nebraska has been postponed.

Mayor Ward opened the public hearing regarding a request for a Conditional Use Permit (CU-2015-002) from Starr Plumbing at 114 Highway 136, Fairbury, Nebraska. The request is to allow for a Trade shop in the RCF – Residential Commercial Flex Zoning District as provided for in Article 5, Section 5.11.04 and Article 6.01 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: Lot 7 and 8, Block 4, Ashby Freeman, Fairbury, Jefferson County, Nebraska. Laura Bedlan Zoning Administrator addressed the Council. Bedlan stated Josh Starr had called in and will not be able to attend the Council meeting tonight. Bedlan stated the Planning Commission recommends approval of the Conditional Use Permit for Starr Plumbing. Council member Kelly Davis asked if the permit is for the property west of the alley. Bedlan stated the permit is for the existing building east of the alley, the old motel building, not the vacant lot. Davis stated the permit is for a remodel. Bedlan stated yes a remodel; the only

reason the Conditional Use Permit is required is this district is now a residential commercial flex district, so it does require a Conditional Use Permit whereas it wouldn't have been required before. However, where the business has been out of business for more than twelve months, they must now comply with current zoning regulations. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Bailey moved to authorize Mayor Ward to sign the Underwriting Engagement Letter with D.A. Davidson & Co. Motion seconded by Carmichael. Phil Lorenzen with D.A. Davidson addressed the Council. Lorenzen stated in July 2014 the Securities & Exchange Commission (SEC) put in place a regulation that we have a written understanding, an engagement letter which is now required that will protect both the City and D.A. Davidson. The engagement letter is non-binding, can be terminated at any time with at least thirty days prior written notice; but under the SEC regulations it allows a community, such as Fairbury and himself to communicate freely as the City looks at plan projects, do an analysis of current debt, etc. The engagement letter doesn't obligate the City to anything other than it just keeps the City and D.A. Davidson in compliance with the law and allows us to have a free exchange of information. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Carmichael moved to approve the recommendation from the Planning Commission to approve the request for a Conditional Use Permit (CU-2015-002) from Starr Plumbing located at 114 Highway 136, Fairbury, Nebraska to allow for a trade shop in the RCF Zoning District. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Polson moved to approve the recommendation from the Finance and Keno Committee to approve the request from Chuckle's Bar to become a Keno Sales Outlet. Motion seconded by Davis. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Davis moved to approve the recommendation from the Housing Committee regarding CDBG – Citywide Housing Rehabilitation Program – Contract #14-HO-3S061 to approve awarding the Rehabilitation Construction Contract for Applicant #005 / 1114 8th Street and authorizing Mayor Ward to sign the Contract. Motion seconded by Polson. (The contractor is JH Construction from Lincoln, Nebraska in the amount of \$24,950.00.) On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried.

City Attorney David Barga presented a donation from his law firm, Rembolt Ludtke, LLP, to Ben McBride President of the Fairbury City Museum Board in the amount of \$1,000. Barga stated this is in recognition of their appreciation of serving the City of Fairbury as the City's attorney since 2008.

Polson moved to adopt Resolution No. 1000 providing for the placement of four way stop signs at the intersection of 27th and H Streets, within the municipality's jurisdiction and repealing any resolutions in conflict herewith. Motion seconded by Kuzelka. Citizen Pam Schroeder addressed the Council. Schroeder spoke in opposition of the four way stop sign wanting the Council to postpone until later, to take more time to reconsider their decision of approval. The Council discussed further. City Administrator Collin Bielser stated when the four way stop signs were first discussed at the Public Works Committee, Police Chief Chad Sprunk did present statistics on accidents which there were only two or three; none at this particular location. The Public Works Committee postponed. Sprunk and Assistant Street Superintendent Laura Bedlan acquired speed limit readings that were reported to the committee; it was recommended to do one stop sign. Bielser stated the committee agreed that they want H Street to be improved with more safe routes. Bielser stated if the City does install more stop signs, he intends to have staff add flags to make the stop signs as noticeable as possible to avoid as many accidents as we can. On roll call, Polson, Bailey, Friesen, Kuzelka, and Davis all voted "yes". Brown and Carmichael voted "no". Rogge absent. Motion carried.

Friesen moved to adopt Resolution No. 1001 to levy and assess costs of nuisance abatement against certain properties. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Mayor Ward read by title Ordinance No. 3058: AN ORDINANCE OF THE CITY OF FAIRBURY, NEBRASKA, REVISING ALL GENERAL ORDINANCES OF THE CITY, ADOPTING A CODE OF ORDINANCES, AND REPEALING PRIOR GENERAL ORDINANCES IN CONFLICT THEREWITH. Brown moved to give second reading of Ordinance No. 3058. Motion seconded by Davis. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Within the City Administrator's report, Collin Bielser stated the Public Infrastructure Coordination Committee will be meeting within the next couple weeks to discuss a first draft of infrastructure improvements that we hope to do in 2016 for the ½ % additional sales tax. Bielser stated the Public Library is doing a Mitten Tree through December 18th collecting coats and mittens for the community. The Police Department is doing a "Stuff a Cruiser" toy drive event at Walmart.

In open session, Polson moved to enter into closed session for the purpose of protecting the public interest, the subject matter of the closed session being update on negotiations for possible land purchase. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge 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 update on negotiations for possible land purchase – designating individuals to remain as Mayor Ward; Council Members Brown, Carmichael, Bailey, Polson, Friesen, 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 8:02 p.m.

In open session, Brown moved to come out of closed session. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried. The Council came out of closed session at 8:07 p.m.

Brown moved to authorize Mayor Ward to sign a purchase agreement for the property located at 516 West 8th Street. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Bailey moved to adjourn the meeting. Motion seconded by Davis. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried. Meeting adjourned at 8:09 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk