

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 15th 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 December 1, 2015.
2. Approval of claims.
3. Approval of the November 2015 Reconciliation Report.
4. Approval of the re-appointment of Carol Steele to the Board of Adjustments. Term to expire May 2018.
5. Approval of the resignation of Crystal Stall from the Fairbury Pool & Aquatic Committee.
6. Approval of the appointment of Shaun Friedrichsen to the Citizens Advisory Review Committee. Term to expire December 2020.

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

Mayor Ward opened 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. Robert Brackle addressed the Council. Brackle stated he wants to create a subdivision north of town; the property is where the Kohlmeyer house with a garage is located. Brackle wants to subdivide that parcel and sell that portion as he has no intention of having more rental properties; wants to keep the land north of this parcel for hay. Council member Doug Brown stated as long as it meets the criteria for subdividing. Brackle stated they will plat for a thirty foot right-of-way easement for a potential road at the south edge of the subdivision. Brackle stated the right-of-way easement on E Street went from 33' to 40' because of the busy road. Brackle stated he has a concern with the easement for the utilities. The Planning Commission approved a sixteen foot utility easement. Everything east of this property has never been given an easement

as it was developed in smaller portions so no easements were given; so he'll have to give all of the easements on his side. Brackle stated in consideration of that, if anything is set in that easement which is above ground, he is asking that they put the poles or whatever to the east side to the back border of the property. City Administrator Collin Bielser stated this is typically what an alley is now where poles are typically on one side – pretty much something that we already do. City Attorney David Borgen stated the regulations require a sixteen foot easement; but the regulations doesn't say anything about where in the easement that you place the utility. Borgen stated the placement of the utility could be added to the subdivision agreement that at the time the utilities are placed above ground in the easement that they be placed in a certain location in that area and would also be marked on the map. The subdivision agreement would go through the Planning Commission and the City Council for final approval of the final plat. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the public hearing regarding the proposed purchase by the City of Fairbury of real property located at 516 West 8th Street, Fairbury, Nebraska; legally described as: Lots 1 and 2, being all of V.F.W. Addition to the City of Fairbury, Jefferson County, Nebraska. No one addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Friesen moved to approve the recommendation from the Planning Commission to approve the application for Sunset Ridge Addition Preliminary Plat located at 2006 E Street in Fairbury, Nebraska. Motion seconded by Davis. (The Planning Commission approved the application including the waivers which are included in the subdivision agreement; and requiring a 16' utility easement located on the east edge of the property and a 30' right-of-way easement located on the south edge of the subdivision.) On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Polson moved to approve the Special Designated Liquor License application for Bonham Theatre Project for a Fund Raiser event to be held at Stagecoach Mall Antiques and Tasting Room located at 508 E Street, Fairbury, Nebraska on January 23, 2016 from 4:00 p.m. to 12:00 a.m. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted "yes". Rogge absent. Motion carried.

Kuzelka moved to approve the recommendation from the Public Works Committee to authorize Mayor Ward to sign the Standardized System of Annual Reporting form for the Roads and Streets Financial Report for fiscal year ending September 30, 2015. 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 authorize Mayor Ward to sign the Nebraska County/City Lottery (Keno) Annual Report – Form 35K for fiscal year ending September 30, 2015. Motion seconded by

Bailey. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried.

Brown moved to approve the purchase agreement between Sara Reyes and the City of Fairbury for the property located at 516 West 8th Street. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted “yes.” Rogge absent. Motion carried.

Friesen moved to approve the recommendation from the Community Redevelopment Authority to submit the 2015 Audit Waiver Request Form for the Community Redevelopment Authority of the City of Fairbury to the Auditor of Public Accounts. Motion seconded by Bailey. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried.

Brown moved to approve advertising for bids on the lease of the Industrial Park farmland located in the S½ of the NE¼ of 11-2-2. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis voted “yes.” 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. Friesen moved to give third reading of Ordinance No. 3058. Motion seconded by Kuzelka. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried. Bailey moved for the final passage of Ordinance No. 3058. Motion seconded by Carmichael. 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 Water Department should be receiving the test results soon concerning the filters at the Water Treatment Plant. The Water Department has also been doing general maintenance of cleaning out sewers – they have completed 96 blocks which is about 1/5 of the town. The Public Infrastructure Coordination Committee has met to discuss potential projects for the ½% additional sales tax and will be having another meeting.

Within the Mayor’s report, Mayor Ward read a thank you letter from Jerri Hamilton, 820 10th Street, a recipient of the Citywide Owner-Occupied Housing Rehabilitation Grant program. Mayor Ward also read a note from Rogge’s.

Within the Committee report, Brad Kuzelka chair of the Fairbury Pool & Aquatic Committee stated they have met with Olsson’s to go over a report and will be having another meeting early next year.

Carmichael moved to adjourn the meeting. Motion seconded by Bailey. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried. Meeting adjourned at 7:50 p.m.

Homer L. Ward, Mayor
ATTEST: Sharyl Preston, City Clerk