

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 2nd day of February, 2016, 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. City Attorney David Bargaen was also absent.

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 January 19, 2016.
2. Approval of claims.

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 concerning the City of Fairbury, Nebraska 1 & 6 Year Street Improvement Plan for 2016-2021. City Administrator Collin Bielser addressed the Council. Bielser stated as in years past there are generally more roads listed on the first year to be improved, than what will actually get done. The Planning Commission approved the One & Six Year Street Improvement Plan for 2016-2021 with an additional concrete paving project added to the plan which is Frederick Street from north of the levee to the intersection of 4th and Frederick Street. Bielser stated the County is looking at possibly doing the road to Crystal Springs and had contacted the City to see if the City would like to be included in the Crystal Springs road project. The County would be doing the engineering for the project if they pursue to do the Crystal Springs road project. Bielser stated some of the streets listed on the 1 & 6 year plan tie into what is planned for the 2016 Infrastructure Plan which has already been presented to the Public Infrastructure Coordination Committee and will be presented to the Community Redevelopment Authority (CRA) next week. Bielser will bring the 2016 Infrastructure Plan to the next City Council meeting. Bielser will also have a proposal to move forward with designing the City's 1 & 6 Year Street Improvement Plan more strategically. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the Public Hearing for the semi-annual review of the Local Option Sales Tax for Economic Development (LB840) Program. City Administrator Collin Bielser addressed the Council as no one was able to attend this meeting from the Citizens Advisory Review Committee (CRA). Bielser stated this is the semi-annual review of the LB840 program by the CRA from July through December 2015. Four Downtown Design Challenge Grant applications have been received from Oregon Trail Development for windows and awning work; one application has been approved and funded by the City and the other three applications will be presented at the next Historic Preservation Commission meeting. One Performance Based Grant application has been received which is in the early stages so the City will be assisting with that project as needed. Craig Eberle with Southeast Nebraska Development District (SENDD) continues to monitor the ongoing projects that are outstanding – ABP Investments, Lambert Vet Supply, etc. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward read from the agenda: “set hearing date for Nuisance Declaration Appeal for property owned by Marci and Norbert Kowalski, located at 322 West 3rd Street, Fairbury, Nebraska. Board of Health member Ed Friesen stated he had visited with Kowalski’s and they want to meet with the Board of Health to discuss their plan to fix the structure. Friesen stated no appeal hearing is necessary at this time. Friesen moved to refer discussion of the property located at 322 West 3rd Street to the Board of Health. Motion seconded by Kuzelka. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried.

Brown moved to authorize Mayor Ward to sign the letter of release for the Performance and Payment Bond for the development of Schramm’s First Addition. Motion seconded by Carmichael. Bielser stated this will essentially release the obligations of the bond because the performance standards of the construction of the street were up to the City’s standards which were required as part of the bond issuance. Both the City staff and Denny Graham, City Engineer has signed off regarding the project; so the City can now release the obligations for the bond. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried.

Friesen moved to adopt Resolution No. 1003 to levy and assess costs of nuisance abatement against certain properties. Motion seconded by Brown. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried.

Kuzelka moved to adopt Resolution No. 1004 approving the 2016-2021 One & Six Year Street Improvement Plan as presented. Motion seconded by Polson. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis all voted “yes”. Rogge absent. Motion carried.

Bailey moved to adopt Resolution No. 1005 appointing Collin Bielser to serve as Alternate Representative to NMPP Members' Council, Alternate Representative to MEAN Management Committee, and Alternate Director to MEAN Board of Directors. Motion seconded by Carmichael. Bielser stated the City belongs to MEAN as part of the City's electric utility agreements of purchasing and distributing power. Currently Mike Beachler and Larry Naiman are the representatives; but with the impending retirement of Larry Naiman, an alternate is needed to fill the vacancy. 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. 3059: AN ORDINANCE OF THE CITY OF FAIRBURY, NEBRASKA, APPROVING THE FINAL PLAT FOR SUNSET RIDGE ADDITION TO THE CITY OF FAIRBURY, NEBRASKA. Polson moved to give 2nd reading of Ordinance No. 3059. Motion seconded by Friesen. 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 street and alley employees helped out with an emergency this morning. The four wheel drive ambulance was out of town and the two wheel drive ambulance wouldn't have been able to make it with the bad weather; three street and alley employees assisted by plowing the way for the ambulance. Collin and the League of Municipalities have continued to follow current legislation that the state is proposing. The League has a concern with LB958; the biggest impact to communities is right now a City can't budget more restricted funds than it did from the prior year; but that exempted capital improvement projects. There is a request to change this so that capital improvement projects would not be included. The bill would limit the municipality's ability to control their own local dollars. The League is requesting that cities submit a letter opposing the legislation. The City will be submitting a letter to the League of Municipalities in opposition of LB958.

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 discussing possible property acquisition. Motion seconded by Friesen. 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 possible property acquisition – designating individuals to remain as Mayor Ward; Council Members Brown, Carmichael, Bailey, Polson, Friesen, Kuzelka, and Davis; City Administrator Collin Bielser, and City Clerk Sharyl Preston and announced the time of the start of the closed session to be 7:46 p.m.

In open session, Friesen 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 7:51 p.m.

Bailey moved to adjourn the meeting. Motion seconded by Carmichael. On roll call, Polson, Bailey, Carmichael, Brown, Friesen, Kuzelka, and Davis voted "yes." Rogge absent. Motion carried. Meeting adjourned at 7:52 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk