

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 March, 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, Tim Polson, Phil Rogge, Ed Friesen, Brad Kuzelka, and Kelly Davis. Absent: Roger Bailey.

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 March 1, 2016.
2. Approval of claims.
3. Approval of the February 2016 Reconciliation Report.
4. Approval of the appointment of Hali Bielser to the Historic Preservation Commission. Term to expire September 2018.

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

Mayor Ward opened the public hearing concerning the use of \$158,000.00 of LB840 Local Option Sales Tax funds to the City of Fairbury as a "Public Works Improvement Grant" for a project consisting of making vital public works street improvements to Industrial Drive between 24th to 27th Streets. Craig Eberle, Program Administrator of the Fairbury LB840 program addressed the Council. Eberle stated this public hearing concerns the use of \$158,000.00 of LB840 Local Option Sales Tax funds for a project consisting of making vital public works street improvements to Industrial Drive between 24th to 27th Streets in order to prevent possible loss of revenue and retain jobs for the businesses in the industrial area. This section of road parallels Highway 15, provides access to eligible businesses, and connects with the rest of the industrial park. The funds would be used to remove the existing street, installing new 18" culverts, and laying down new 8" concrete pavement. The total financing for the project is \$247,946.00; the remaining funds to complete the project (\$89,946.00) are to be provided by the City of Fairbury. This project is located in an industrial area of town that will enhance the operations of some of the community's major industries. The road is used by both industrial users and customers accessing a nearby restaurant and manufacturing facility. Eberle stated this project meets the eligible

LB840 criteria according to the LB840 Economic Development Plan by providing expenditures for public works improvements that benefit qualifying businesses. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Mayor Ward opened the public hearing concerning obligating further funding into the "Downtown Design Challenge Grant" for Economic Development (LB840) Program. Craig Eberle with Southeast Nebraska Development District (SEND) office in Lincoln, Program Administrator for the Fairbury LB840 Economic Development Program addressed the Council. Eberle stated the purpose of this public hearing is concerning the recommendation for increased funding into the "Downtown Design Challenge Grant" Program in the amount of \$4,000.00. Eberle stated at the last meeting of the Historic Preservation Commission, they recommended adding an additional \$4,000.00 to potentially fund three recently recommended applications. Eberle stated to date the Downtown Design Challenge Grant program has funded forty projects that have accumulated approximately \$98,000.00 of Downtown Design Challenge Grant funds and \$306,000.00 of private investments into the downtown area for façade improvements over the last eight years. No one else addressed the Council during the public hearing. Mayor Ward declared the hearing closed.

Friesen moved to authorize Mayor Ward to sign the Agreement for Professional Services with Olsson Associates for the Paving Improvements Project for Industrial Drive from 24th to 27th Streets and for Scherbarth Ace Hardware parking improvements. Motion seconded by Rogge. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Brown moved to authorize Mayor Ward to sign the 2016 Pre-Application for the Nebraska Affordable Housing Program funds to implement a Citywide "Owner-Occupied Housing Rehabilitation Program" with demolition funds as a support activity. Motion seconded by Carmichael. Judi Meyer with Southeast Nebraska Development District addressed the Council. Meyer stated the pre-application is due April 1. The housing program guidelines and the demolition guidelines were included in the council packets. The housing program guidelines have a few recommended changes which are mostly administrative corrections. The housing program guidelines and the demolition guidelines will be submitted with the full application which is due May 13, 2016. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Polson moved to approve the recommendation from the Finance and Keno Committee to amend the 2016 Bid Specifications to allow for more competitive bidding for the property and casualty insurance. Motion seconded by Davis. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Friesen moved to adopt Resolution No. 1007 obligating LB840 funds in the amount of \$158,000.00 for the "City of Fairbury Industrial Drive between 24th to 27th Streets Public Works Improvement Project." Motion seconded by Polson. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Davis moved to adopt Resolution No. 1008 approving the successful completion of a previously approved and obligated "Performance Based Grant" in the amount of \$160,000.00 to ABP Investments, Inc. Motion seconded by Kuzelka. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Rogge moved to adopt Resolution No. 1009 obligating an additional \$4,000.00 into the "Downtown Design Challenge Grant Program" for the Economic Development (LB840) Program. Motion seconded by Carmichael. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Polson moved to adopt Resolution No. 1010 obligating LB840 funds to Oregon Trail Development, LLC – Geri Katz at 506 E Street for a "Downtown Design Challenge Grant" in the amount of \$1,152.94. Motion seconded by Rogge. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Polson moved to adopt Resolution No. 1011 obligating LB840 funds to Oregon Trail Development, LLC – Geri Katz at 508 E Street for a "Downtown Design Challenge Grant" in the amount of \$1,152.94. Motion seconded by Friesen. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Polson moved to adopt Resolution No. 1012 obligating LB840 funds to Oregon Trail Development, LLC – Geri Katz at 512 E Street for a "Downtown Design Challenge Grant" in the amount of \$1,152.93. Motion seconded by Rogge. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Mayor Ward read by title Ordinance No. 3060: AN ORDINANCE OF THE CITY OF FAIRBURY, NEBRASKA, VACATING A PORTION OF E STREET LOCATED WEST OF BLOCK THREE AND EAST OF BLOCK FOUR, GROSS HEIRS ADDITION, GENERALLY LOCATED AT 1606 E STREET. Rogge moved to give 2nd reading of Ordinance No. 3060. Motion seconded by Kuzelka. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted "yes". Bailey absent. Motion carried.

Mayor Ward read by title Ordinance No. 3061: AN ORDINANCE AMENDING CITY OF FAIRBURY ORDINANCE NO. 3027 AND 3035 TO ESTABLISH RATES, FEES, CHARGES AND COLLECTIONS FOR THE USE OF ELECTRICITY, PURSUANT TO CITY CODE § 53.58, AND REPEALING ORDINANCE NO. 3039; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF. Davis moved to introduce and give 1st reading of Ordinance No. 3061. Motion seconded by Rogge. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted “yes”. Bailey absent. Motion carried.

Within the City Administrator’s report, Collin Bielser stated he had the opportunity to visit with Senator Ebke regarding LB958 legislation which would limit municipality’s ability to proactively plan for important capital expenditure projects for economic development by limiting how much money municipalities could set aside for certain projects. This would take local control out of the local government. Bielser asked for the City Council’s help with the LMI Survey (Citizen’s Satisfaction Survey) as the survey is very important.

Rogge moved to adjourn the meeting. Motion seconded by Carmichael. On roll call, Polson, Carmichael, Brown, Rogge, Friesen, Kuzelka, and Davis all voted “yes”. Bailey absent. Motion carried. Meeting adjourned at 7:53 p.m.

Homer L. Ward, Mayor

ATTEST: Sharyl Preston, City Clerk