

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 5<sup>th</sup> day of January 2021, at 7:30 PM. Mayor Brown called the meeting to order.

Notice of meeting was given in advance thereof, and the Open Meetings Act was posted in the meeting room and pointed out by Mayor Brown as required by law.

Roll call found the following Council Members present- Doug Brown, Tim Polson, Phil Rogge, Brian Schmidt, Rick Carmichael, John Ebke, Bradley Kuzelka, and Kelly Davis. Absent: None

Mayor Brown called for the submittal of forms to request future agenda items. No forms were submitted during the meeting.

Mayor Brown read the Consent Agenda:

1. Approval of the minutes of the regular meeting of December 15, 2020
2. Approval of Claims \$1467332.77

Rogge moved to approve the minutes of the regular meeting of Council on December 15, 2020 and \$1467332.77 in claims. Motion was seconded by Schmidt. On roll call vote: Carmichael, Rogge, Polson, Ebke, Kuzelka, Davis, Brown, and Schmidt voting “yes.” Motion carried.

Next item of business: **Public Hearings/Presentations**

Public hearing-Concerning the City of Fairbury, Nebraska 1 & 6-year Street improvement plan for 2021-2026. Laura Bedlan, Street Super presented the plan noting that notices of the plan had been posted with no public feedback. There are 6 projects on the 1-year plan totaling \$2470318.91 and 13 projects on the 6-year plan totaling \$6918590.27. A location map and break down was included in packets and available at the meeting. Councilman Carmichael questioned the removal of 20<sup>th</sup> Street (G to H). Bedlan responded this project had previously been on the plan as the hope was to residents would be interested in partnering with a paving project which has not been fruitful. It was also thought that with the renovation of H Street the City might be able to acquire a bid/contractor for a lower cost since crews would already be onsite for H Street, this also was not attained, therefore the street was removed from the current plan.

Public Hearing regarding intentions to file an application with the USDA Rural Development for financial assistance in the amount of \$4267001 to complete the water improvement project. Chris Miller with Miller and Associates was present to discuss with Council the issues and answer any questions. He began by stating that discussions for the project had begun in July in which there would be a 5 well field that would consist of 3 primary wells with backup power and 2 wells for redundancy and would be shared with the City of Fairbury and the Little Blue NRD creating an entity. They would be able to produce 1400 gallons per minute with the split being 1000 to the City and 400 to the LBNRD. Each

participant would then pay the entity the of cost of water used at .60/thousand gallon. Councilman Schmidt questioned where the main would connect; there would be 12 miles of main to reach the tower in which there would be a shared maintenance cost of the City and the LBNRD for those 12 miles. Once reaching the tower, on the North side the City would be responsible and would also be able to utilize their current water sources to blend if necessary. The 12 miles of pipe is gravity fed so no electricity would be needed other than the actual well power which is in the Norris Public Power District. 5 wells will be used to lower the potential nitrate as the wells can be dug deep and pumped slowly, water will be pulled from the bottom and the top would be sealed. The maintenance of the lines would have to be decided upon by the City and the LBNRD, either or those parties could be utilized, or a third-party source could also be viable. Councilman Rogge stated this was a great opportunity. If the City does pursue this project it would be a 40-year agreement with the LBNRD as it would have to match the 40 term on the funding source, in which the City and LBNRD would be sharing the cost of. The contract between the City and the LBNRD could be revised every 10 or 20 years to adjust for costs of water or maintenance. No action is needed by Council tonight as this public hearing only allows for the application to be submitted to see what could be awarded financially and does not bind the City to any agreement.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, “Approving RVW to conduct an electrical system study and GIS mapping project in the amount of \$34,500.00.” Renn stated that three bids were received to prepare a study to serve as a tool to address and ensure any potential issues within the electrical distribution system prior to the upgrade of the south breaker station. Upon completion of the mapping the City will be provided with a list of identifiable upgrades that may need to occur within a 1-, 3-, 5-, 10- and 20-year timeline. Nebraska Municipal Power Pool provided the City with several positive testimonials for RVW contracting. With no further questions, Rogge moved to approve RVW to conduct an electrical system study and GIS mapping project in the amount of \$34,500.00. Motion was seconded by Kuzelka. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

Mayor Brown introduced the next item of current business, “Consider authorizing City Administrator Renn to sign change order #4 for project 016-3570, Water System Improvement (bid section 4, 4A, and 4B) in the decrease amount of \$8306.68 which includes on-site seeding, water sample station repair, tower light replacement and liquidation damages. With no further questions, Schmidt motioned to authorize City Administrator Renn to sign change order #4 for project 016-3570, Water System Improvement (bid section 4, 4A, and 4B) in the decrease amount of \$8306.68 which includes on-site seeding, water sample station repair, tower light replacement and liquidation damages. Motion was seconded by Carmichael. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

Mayor Brown then introduced the next item of current business, “Consider SENDD pay request #2 for Owner Occupied Housing Rehabilitation Program #19-HO-36100, housing management/lead testing in the amount of \$1625.00” With no further questions, Polson moved to approve SENDD pay request #2 for Owner Occupied Housing Rehabilitation Program #19-HO-36100, housing management/lead testing

in the amount of \$1625.00. Motion was seconded by Brown. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

Mayor Brown introduced the next item of current business, “Consider approval to purchase a clarifier ring for the wastewater treatment plant in the amount of \$19400.” The current ring is no longer functional and needs to be replaced. Renn stated it is presumed that upon installation many years ago it was not installed properly nor was the maintenance kept up. If approved, staff will be trained by a third-party service to ensure they have the knowledge to provide maintenance on the ring. With no further questions, Polson moved to approve the purchase a clarifier ring for the wastewater treatment plant in the amount of \$19400. Motion was seconded by Carmichael. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

Mayor Brown introduced the next item of current business, “Consider approval of the 2021 city office building cleaning contract between Jennifer Lewis and the City of Fairbury for services to be performed twice monthly for \$150 per month.” Renn told Council that the City was looking to cut back on cleaning services from weekly twice per month. The prior service was not interested in continuing services based on the City’s request, so the City reached out to other providers. Upon approval Jennifer Lewis will provide services twice per month at \$75/cleaning session. With no further questions, Rogge moved to approval of the 2021 city office building cleaning contract between Jennifer Lewis and the City of Fairbury for services to be performed twice monthly for \$150 per month. Motion was seconded by Schmidt. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

Mayor Brown introduced the next item of current business, “Consider approval of pay request for storm water project #18-PW-002, pay certificates #3 and #4. Draw Down #4- Van Kirk-bid sections 3, 3a, and 3b; for a total amount of \$218509.44, CDBG funds.” Councilman Davis stated that he was unhappy with the quality of work that had been completed of the project and had provided pictures to Council in that regard. Eric Biermann and Craig Reinsch with Olsson Associates joined via Zoom and were present to answer questions. Davis then asked about the sidewalk on the East side of the baseball field that had been previously brought up and is still not repaired. Eric stated that weather is an issue, and that Van Kirk has given a verbal that they would fix this once the weather is conducive. There are also inlets that are protruding outward that need to be addressed. It was discussed the amount of retainage that was being held, currently Craig would check the contract and see how that is written up and get a dollar amount together for the sections that need repaired. The council would like to see in writing Van Kirk’s agreement to fix the requested discrepancies. No action taken.

## **RESOLUTIONS AND ORDINANCES:**

Resolution No. 1139, designating two reserved for veterans only parking stalls located on the east side of D street between 4<sup>th</sup> and 5<sup>th</sup> Streets, north of the courthouse sidewalk on the west side of the Courthouse, within the municipality’s jurisdiction, and repealing any resolutions in conflict herewith. Councilman Rogge stated that the Public Works Committee had met earlier in the evening and

recommends amending the designated two stalls to four stalls, placing two on the east side and two on the west side of the Courthouse. With no further questions, Rogge motioned to approve the amended Resolution No. 1139, designating two reserved for veterans only parking stalls located on the east side of D Street between 4<sup>th</sup> and 5<sup>th</sup> Streets, and two reserved for veterans only parking stalls located on the west side of E Street between 4<sup>th</sup> and 5<sup>th</sup> Streets. Motion was seconded by Schmidt. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

Resolution No. 1140, approving the 2021-2026 One- and Six-year Street Improvement Plan. With no further questions, Schmidt moved to approve the 2021-2026 One- and Six-year Street Improvement Plan

Motion was seconded by Davis. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

Ordinance 3092, Municipal Code 111.40- Hours of sale extending end time from 1AM to 2AM.

With no further questions Rogge motioned to suspend the rules and give all 3 readings to Ordinance 3092 at the January 5, 2021 meeting. Motion was seconded by Carmichael. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Polson motioned to adopt Ordinance 3092 to adopt Ordinance 3092, an ordinance of the City of Fairbury to change Municipal Code 111.40- Hours of sale extending end time from 1AM to 2AM.

Motion was seconded by Rogge. On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

**Reports:**

City Administrator- City Administrator Renn informed Council the fire department has signed a hold harmless agreement and will be conducting an ice rescue training on January 9, 2021 at Crystal Springs.

Mayor- Mayor Brown told Council that he has pushed hard on City Administrator Renn and City Attorney Barga to see if there is a process in which we expedite ownership of vacant lots. He also discussed the potential of a dog park at the City Park north of the Soccer field.

Mayor Brown then entertained a motion to adjourn. Davis moved to adjourn. Motion seconded by Rogge. On roll call vote: On a roll call vote: Polson, Carmichael, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried

The meeting adjourned at 8:20 PM.

\_\_\_\_\_  
Spencer Brown, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Erin Reimer, City Clerk

\_\_\_\_\_  
Date