

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 18th day of January 2022, 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: Phil Rogge, Brian Schmidt, Dusty Schmidt, John Ebke, Doug Brown, Tim Polson, and Kelly Davis. Absent: Bradley Kuzelka

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 January 4, 2022
2. Approval of Claims \$371,134.78

Rogge moved to approve the minutes of the regular meeting of Council on December 21, 2021, and \$904,295.43 in claims. Motion was seconded by Ebke. On roll call vote: D.Schmidt, Davis, Brown, Polson, Ebke, Rogge, and B.Schmidt voting “yes.” Motion carried.

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

PRESENTATION: Fairbury Housing Authority 2021 Annual Report-Twilya L’Ecuyer, Executive Director of the Fairbury Housing Authority, Parkview Apartments presented the annual report for 2021. She expressed to Council that huge strides have been made in maxing occupancy over the past several years. Currently there are 11 unoccupied units all of which are the smallest single units offered. Continued strides to update the units and serve needs of the community are in full force. Bathrooms were updated along with boulevard lighting which now provides a safer and more aesthetically pleasing look. The pandemic has put a damper on construction and availability of materials. This upcoming year will bring a focus on creating a more interactive web design for the community and residents. Parkview did see a profit in 2021 of \$26,256 in which the funds are placed back into the budget for continued upgrades. HUD Capital funding is typically between \$90K to \$95K annually. There are still numerous jobs/improvements on the list, and they are always searching for funding opportunities to make this happen. There are currently 2 full-time employees. Parkview continues to provide opportunities for personal growth and development and has paired with the Jefferson Community Hospital and NEworks to improve community self-sufficiency.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, “Consider approval of drawdown #6- owner occupied rehab project #19-HO-36100 in the amount of \$1785.00 to SENDD for administrative services, CDBG funded” With no further questions, Davis motioned to approve drawdown #6- owner occupied rehab project #19-HO-36100 in the amount of \$1785.00 to SENDD for administrative services, CDBG funded. Motion was seconded by B Schmidt. On a roll call vote: Rogge, Ebke, Davis, D. Schmidt, Polson, Brown and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of drawdown #7- owner occupied rehab project #19-HO-36100 in the amount of \$6352.50 to SENDD for administrative services, CDBG funded.” With no further questions, B Schmidt motioned to approve drawdown #7- owner occupied rehab project #19-HO-36100 in the amount of \$6352.50 to SENDD for administrative services, CDBG funded. Motion was seconded by Rogge. On a roll call vote: Rogge, Ebke, Davis, D. Schmidt, Polson, Brown and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider recommendation from the planning and zoning commission to consider contracting with Center for Municipal Solutions (CMS) to

review and recommend on amendments to the City of Fairbury Zoning Regulations -2013 Edition, Section 9.03 wireless communication towers.” CMS would assist in rewriting the codes mentioned and assist in processing the applications related that the city might receive. The applicant is responsible for paying through escrow. With no further questions, Rogge motioned to approve the recommendation from the planning and zoning commission to consider contracting with Center for Municipal Solutions (CMS) to review and recommend amendments to the City of Fairbury Zoning Regulations -2013 Edition, Section 9.03 wireless communication towers. Motion was seconded by Polson. On a roll call vote: Rogge, Ebke, Davis, D. Schmidt, Polson, Brown and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider advertising for farm lease bids:

- a. East wells hay
- b. Sewer plant farm
- c. Crystal Springs wellhead protection farm
- d. 3rd & Frederick, street and alley farm
- e. Fairbury industrial park farm
- f. Fairbury levee hay

Administrator Messbarger discussed that the levee hay lease is a new addition to the land the city leases out. The leasing of the parcel of land would lessen the maintenance of the ground for the city. The army corps of engineers has approved the levee area for a lease usage for hay. With no further questions, Rogge motioned to approve the advertisement of farm lease bids for:

- a. East wells hay
- b. Sewer plant farm
- c. Crystal Springs wellhead protection farm
- d. 3rd & Frederick, street and alley farm
- e. Fairbury industrial park farm
- f. Fairbury levee hay

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

Mayor Brown introduced the next item of current business, “Consider services contract between the City of Fairbury and the City of Hebron.” The city of Hebron has recently experienced difficulty in retaining qualified linemen to service their electrical infrastructure and reached out to see if the City of Fairbury would be interested in contracting to provide these services. City Administrator Messbarger informed Council that the agreement had been approved by the City’s insurance and legal counsel and that the City of Hebron would be charged as any other customer based on our rate schedule. Nate Francis, Utility Superintendent was present to answer questions. Council brought up concerns of stretching our own department too thin and neglecting our own needs, creating a strained relationship with Norris Public Power District and how to handle Hebron’s needs when the City of Fairbury is experiencing needs at the same time. With no further questions, Rogge motioned to approve the services contract between the City of Fairbury and the City of Hebron. NO SECOND- MOTION DIES

Mayor Brown introduced the next item of current business, “Consider pole attachment contract between the City of Fairbury and Jefferson County.” Councilperson Brown moved to postpone until more information is received. Motion was seconded by Polson. On a roll call vote: Rogge, Ebke, Davis, D. Schmidt, Polson, Brown and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider annual rental agreement with NMC Caterpillar regarding a skid loader for the Streets/Parks departments.” Administrator Messbarger informed council that NMC was unable to trade out the old skid steer with a new one like they typically do with the current supply chain shortages. Mayor Brown discussed verbiage within the contract related to usage percent of tracts upon year end and issues with the warranty. Both of these items will be stricken from the current contract and will not be an issue upon final inspection at the end of the 2022 year. With no further questions, B Schmidt motioned to approve the annual rental agreement with NMC Caterpillar regarding a skid loader for the Streets/Parks departments for \$7,600.00 annually. Motion was seconded by Ebke. On a roll call vote: Rogge, Ebke, Davis, D. Schmidt, Polson, Brown and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider purchase of a software upgrade through HOA Solutions regarding the Wastewater Treatment Plant computer system.” Currently the WWTP operates with an outdated Window 7 software program that is no longer supported nor receives security upgrades. If the current computer would go do it would require an emergency upgrade which would be more costly than a planned upgrade. The city was given a quote from HOA in the amount of \$24,212.00 to upgrade. This was not included in this year’s budget but would be able to be absorbed without significant issues. With no further questions, Rogge motioned to approve the purchase of a

software upgrade through HOA Solutions regarding the Wastewater Treatment Plant computer system in the amount of \$24,212.00. Motion was seconded by B Schmidt. On a roll call vote: Rogge, Ebke, Davis, D. Schmidt, Polson, Brown and B.Schmidt voting “yes.” Motion carried.

RESOLUTIONS AND ORDINANCES:

Resolution 1183- to use LB840 local option sales tax revenues under the approved Economic Development Plan and the “Downtown Design Challenge Grant” program- Chappell Roofing – 302 E Street, \$2,684.25. With no further questions B Schmidt motioned to approve Resolution 1183- to use LB840 local option sales tax revenues under the approved Economic Development Plan and the “Downtown Design Challenge Grant” program- Chappell Roofing – 302 E Street, \$2,684.25. Motion was seconded by Davis. On a roll call vote: Rogge, Brown, Ebke, Davis, D. Schmidt, Polson, and B.Schmidt voting “yes.” Motion carried.

Resolution 1184- A resolution declaring intent to incur indebtedness for paving and related improvements in Street Improvement District No. 2021-01. This resolution refers to the I Street Project. With no further questions, Rogge motioned to approve Resolution 1184- A resolution declaring intent to incur indebtedness for paving and related improvements in Street Improvement District No. 2021-01. Motion was seconded by Ebke. On a roll call vote: Rogge, Brown, Ebke, Davis, D. Schmidt, Polson, and B.Schmidt voting “yes.” Motion carried.

Ordinance No. 3106 An ordinance of the City of Fairbury, Nebraska Amending the City of Fairbury Zoning Regulations Section 4.12, 5.07.07, 5.08.07, 5.09.07, 5.10.07 and 5.11.07 amending the overall height of accessory structures in all of the residential zoning districts in the City of Fairbury (2nd Reading). With no further questions, Ebke motioned to give Ordinance 3106 its second reading. Motion was seconded by Rogge. On a roll call vote: Rogge, Brown, Ebke, Davis, D. Schmidt, Polson, and B.Schmidt voting “yes.” Motion carried.

Motion at 8:10PM to enter executive session to discuss potential litigation made by B. Schmidt. Motion was seconded by Rogge. On a roll call vote: Rogge, Brown, Ebke, Davis, D. Schmidt, Polson, and B.Schmidt voting “yes.” Motion carried.

With no decision made; Davis motioned at 8:33PM to enter regular session. Motion was seconded by Ebke. On a roll call vote: Rogge, Brown, Ebke, Davis, D. Schmidt, Polson, and B.Schmidt voting “yes.” Motion carried.

Reports/Discussion: none

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

The meeting adjourned at 8:34 PM.

Spencer Brown, Mayor

Date

Erin Reimer, City Clerk

Date