

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 16th day of March 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, John Ebke, and Kelly Davis. Absent: Rick Carmichael and 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 March 2, 2021
2. Approval of Claims \$371,961.75

Rogge moved to approve the minutes of the regular meeting of Council on March 2, 2021 and \$371,961.75 in claims. Motion was seconded by Polson. On roll call vote: Rogge, Polson, Ebke, Davis, Brown, and Schmidt voting “yes.” Motion carried.

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

Public Hearing regarding amendments to Section 9.04 of the 2013 Fairbury Nebraska zoning regulations to allow for privacy fencing within street side yards. Laura Bedlan was present to present to Council. In previous years higher fencing was not allowed due to visual obstructions. The proposed ordinance change would allow for higher fencing if no visual obstruction would occur as a result and the residents could only build out to the property line. Discussion was held regarding if the 2ft of grass in between the sidewalk and fence would become a nuisance or not.

Public Hearing regarding amendments to section 5.06 of the 2013 Fairbury Nebraska zoning regulations to allow for outdoor storage containers as a conditional use in the residential commercial flex (RCF), highway commercial, (C-3), general commercial (C-2) and downtown commercial (C-1) districts. Laura Bedlan was present to present to Council. Planning and zoning would be able to set standards and requirements while being in control of the permits. Questions arose as to how many containers are currently in the City, in which roughly 11 were discussed while 6 of them are currently in the industrial area and 5 on the South side of town. Issue of bringing a potential nuisance to town was discussed and how to enforce residents to keep their containers up and to code arose. Ed Friesen addressed Council with his want to put a storage container on the West side of his building, attached. He brought to council that the City could potentially be missing an opportunity with additional properties on the tax roll. He also stated that other communities are embracing the containers.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, “Consider SENDD pay request #2 (revised) for Owner Occupied Housing Rehabilitation Program #19-HO-36100, (OOR), housing management/lead testing int eh amount of \$2383.65, CDBG funded.” With no further questions, Councilperson Schmidt motioned to approve SENDD pay request #2 (revised) for Owner Occupied Housing Rehabilitation Program #19-HO-36100, (OOR), housing management/lead testing int eh amount of \$2383.65, CDBG funded. Motion was seconded by Polson. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider personnel committee’s recommendation regarding City Administrator contract.” Councilperson Brown stated the personnel committee met earlier and amended the current city administrator contract to reflect an increase in salary. With no further questions, Brown moved to approve the personnel committee’s recommendation regarding City Administrator contract. Motion was seconded by Schmidt. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider public works committee recommendation of removal of the crosswalk and signage at 9th and E Streets. Councilperson Rogge said that Public Works had met earlier to discuss the topic and recommends approving. With no further questions Rogge motioned to approve public works committee recommendation of removal of the crosswalk and signage at 9th and E Streets. Motion was seconded by Polson. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider public works committee recommendation to install a memorial bench at Crystal Springs Park.” With no further questions Councilperson Rogge motioned to approve public works committee recommendation to install a memorial bench at Crystal Springs Park. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider public works committee recommendation for Grace Lutheran Youth Group to close Park Drive and South leg of South Circle Drive from the west entrance of McNish Park to the Southeast entrance of McNish park for Sunday, March 28 from 6pm to 8pm for a drive through journey to the cross exhibit. With no further questions Councilperson Rogge motioned to approve public works committee recommendation approve public works committee recommendation for Grace Lutheran Youth Group to close Park Drive and South leg of South Circle Drive from the west entrance of McNish Park to the Southeast entrance of McNish park for Sunday, March 28 from 6pm to 8pm for a drive through journey to the cross exhibit. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider public works committee recommendation to place a Veterans memorial near the baseball field in the City Park.” With no further questions Councilperson Rogge moved to approve the public works committee recommendation to place a Veterans memorial near the baseball field in the City Park. Motion was seconded by Polson. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider filing an application for funding with CWSRF (Clean Water State Revolving Fund) at 0% interest for wastewater treatment plant improvements and authorizing Mayor Brown to sign/execute any and all related documents.” City Administrator Renn indicated that this is a 2-phase process with the first phase stemming from a 2018 study and would include maintenance and the second phase would deal with clarifiers and valves. Total project amount is 3.5million with a loan term of 20-30 years. The last updates to the plant were made in 1998. There would not be a need for a public hearing or review period as all construction would be done on property currently owned by City. The application takes 30-60 day from start to finish. With no further questions Councilperson Davis moved to approve filing an application for funding with CWSRF (Clean Water State Revolving Fund) at 0% interest for wastewater treatment plant improvements and authorizing Mayor Brown to sign/execute any and all related documents. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider engineering agreement with Olsson’s for WWTP (Wastewater Treatment Plant) design and bidding while authorizing Mayor Brown to sign/execute any and all related documents.” Start date would begin right away with inventories, survey and Geotech. It will take approximately 1 year for the bidding process and design. This project will include HVAC, Electrical, Structural and Water System Improvements. With no further questions Councilperson Schmidt moved to approve the engineering agreement with Olsson’s for WWTP (Wastewater Treatment Plant) design and bidding while authorizing Mayor Brown to sign/execute any and all related documents. Motion was seconded by Davis. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval for Wavebreakers Swim Team to use water park for swim meet on June 5 (8am until finish by 12pm or 1pm and use of waterpark for practice Monday-Thursday 10am-12pm.” Rogge said this is something that is done every year. With no further questions Councilperson Rogge moved to approve the request by the Wavebreakers Swim Team to use water park for swim meet on June 5 (8am until finish by 12pm or 1pm) and use of waterpark for practice Monday-Thursday 10am-12pm. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of manager name change on liquor license for Ray’s Apple Market from Mike Floersch to new store manager, Thomas E Furrow.” With no further questions Councilperson Schmidt moved to approve the manager name change on liquor license for Ray’s Apple Market from Mike Floersch to new store manager, Thomas E Furrow. Motion was seconded by Rogge. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

RESOLUTIONS AND ORDINANCES:

Resolution 1146 providing for the removal of a crosswalk and signage within the municipality’s jurisdiction and repealing any resolutions in conflict herewith. With no further questions, Rogge moved to approve Resolution 1146 providing for the removal of a crosswalk and signage within the municipality’s jurisdiction and repealing any resolutions in conflict herewith. Motion was seconded by

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

Resolution 1147 to amend Resolution 1121, as amended by Resolution 804, as amended by Resolution 937, as amended by Resolution 960, levying, and assessing various fees, bonds, or deposits. With no further questions, Schmidt moved to approve Resolution 1147 to amend Resolution 1121, as amended by Resolution 804, as amended by Resolution 937, as amended by Resolution 960, levying, and assessing various fees, bonds, or deposits. Motion was seconded by Rogge. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Ordinance 3093 amending Fairbury municipal code 71.55 adding a 10MPH (mile per hour) alley speed limit to the general speed limits within the City of Fairbury. With no further questions, Schmidt moved to approve the first reading of Ordinance 3093, amending Fairbury municipal code 71.55 adding a 10MPH (mile per hour) alley speed limit to the general speed limits within the City of Fairbury. Motion was seconded by Polson. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Ordinance 3094 amending section 9.04 of the 2013 Fairbury Nebraska Zoning Regulations allowing for privacy fencing within street side yards. With no further questions, Polson moved to approve the first reading of Ordinance 3094, amending section 9.04 of the 2013 Fairbury Nebraska Zoning Regulations allowing for privacy fencing within street side yards. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Ordinance 3095 amending section 5.06 of the 2013 Fairbury Nebraska Zoning Regulations to allow for outdoor storage containers as a conditional use in the residential commercial flex (rcf), highway commercial (c-3), general commercial (c-2) and downtown commercial (c-1) districts. With no further questions, Polson moved to approve the first reading of Ordinance 3095, amending section 5.06 of the 2013 Fairbury Nebraska Zoning Regulations to allow for outdoor storage containers as a conditional use in the residential commercial flex (rcf), highway commercial (c-3), general commercial (c-2) and downtown commercial (c-1) districts in which a conditional use permit must be issued and enforced. Motion was seconded by Davis. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Reports/Discussion:

City Administrator- None

Mayor- Took tour of facilities and found it beneficial.

Committee- None

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

The meeting adjourned at 8:25 PM.

Spencer Brown, Mayor

Date

Erin Reimer, City Clerk

Date