

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 17th day of May 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: Brian Schmidt, Dusty Schmidt, Doug Brown, John Ebke, Bradley Kuzelka, Tim Polson, Phil Rogge, 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.

Motion by Rogge to move Resolution 1193 to beginning of meeting, seconded by Davis. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Resolution 1193- A resolution of the City of Fairbury, Nebraska to name the Softball/Baseball Cloverleaf Complex. Motion was made by Rogge, seconded by Davis. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown read the Consent Agenda:

1. Approval of the minutes of the regular meeting of May 3, 2022
2. Approval of Claims \$603,945.43

Davis moved to approve the minutes of the regular meeting of Council on May 3, 2022, and \$603,945.43 in claims. Motion was seconded by Rogge. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Public Hearing/Presentation:

Presentation of the 2021 City of Fairbury Government Funds Audit: Brian Blobaum with Blobaum and Busboom PC gave an overview of the findings of the City of Fairbury annual audit for 2021. The audit was performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Findings included a control deficiency of a lack of separation of duties, which exists in most local government audits as the municipality does not have the staffing to remedy the issue. In overview, the sales tax base has created a stable cash build up. The city did see an increase in expenditures of 6-8%, leading the increase was operating expenditures and personal services. Brian stated there was no need for concern at this point. There is not real alarm with the current cash balance. Overall, the city is in good shape.

Presentation of the Little Blue Valley Water Systems Water Sourcing Project update by Miller and Associates. Chris Miller with Miller and Associates presented the information of the LBNVWS project. He began by discussing how the project began in February of 2020 by soliciting proposals for engineering services. Several potential water sources were looked at by the consulting firm in March of 2020. Those included Hell’s Corner, Alexandria, potential regionalization with Jansen and Hebron and others. The City of Fairbury is experiencing a higher nitrate level than they would like. In June of 2020 the city of Fairbury was approached by the LBNRD, who was encouraged by the USDA to try for a regionalized project, to become a joint partner with LBNVWS to provide a cleaner water source for the residents. From this point, the search for a source began and a public hearing was held July 7, 2021. The initial site selected became void once it was learned that water could not be transferred across lines of the Lower Big Blue NRD. A second public hearing was held July 29, 2021 to locate another land source. A second site was found, data collected, and test wells drilled. The results were in favor of the project. Mr. Miller presented several graphs of data showing the historical water levels and the effects on other wells if proposed wells pumped 24 hours a day at max capacity, although this is not the

intention. Mr. Miller also provided cost estimates related to the 2017 PER of a nitrate plant versus the shared cost effectiveness of the LBVWS water sourcing project.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, “Consider authorizing City of Fairbury representatives for the LBVWS to approve the LRE Water proposal of groundwater modeling for LBVWS.” 3D modeling was discussed at a previous meeting therefore the scope of services was put out for bid. One engineering firm, LRE Water placed a bid. With no further questions, Brown motioned to authorize City of Fairbury representatives for the LBVWS to approve the LRE Water proposal of groundwater modeling for LBVWS. Motion was seconded by Polson. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider authorizing City of Fairbury representatives for the LBVWS to approve the easement agreement superseding the Ground Water Exploration Agreement executed on December 14, 2021.” The agreement has been revised to indicate the access of land right has been altered to reflect a zero cost to, a \$500,000 savings to the project. With no further questions, Brown motioned to authorize the City of Fairbury representatives for the LBVWS to approve the easement agreement superseding the Ground Water Exploration Agreement executed on December 14, 2021. Motion was seconded by Polson. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider recommendation from Olsson regarding bids for Wastewater Treatment Plant upgrade project.” Craig Reinsch with Olsson presented information on the bids received. Craig began his discussion with that the funding sources are a little uncertain. The city continues to have the existing funding package available of 3.5 million at 0%. With the current bids this will be short of what is needed. There is potential of additional funding through the infrastructure act, those funds are not guaranteed and will likely come with potential additional constrictions for the contractors. The city will have to fund the remaining balance. There has been no capital project at the WWTF since 1998 and the plant needs many upgrades. BRB Contractors were the contractors with the lowest bid. They do have prior experience with the plant from the 1972 project. The projected timeline would be to have a preconstruction meeting summer 2022 and substantial completion the end of 2023. With no further questions, B. Schmidt motioned to approve the BRB Contract Bid for the WWTF including all 3 alternates. Motion was seconded by Ebke. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the Olsson Construction Phase Services Contract amendment.” With the addition of the added generator and UV services to the project and increase of scope has occurred. Amendment #1 total \$412,250.00 increasing project total to \$759,790.00. With no further questions, B. Schmidt motioned to approve the approval of the Olsson Construction Phase Services Contract amendment. Motion was seconded by Brown. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider referring the 2022 blight and substandard study to the Fairbury Planning and Zoning Commission for review and recommendation.” Marvin Planning has completed the blight study and now needs review from the city. Public Works met and recommended this task be referred to the Planning and Zoning Commission. With no further questions Rogge motioned to approved referring the 2022 blight and substandard study to the Fairbury Planning and Zoning Commission for review and recommendation. Motion was seconded by Ebke. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider recommendation from the public works commission regarding authorizing the use of alcohol at the community center.” Public works met earlier and recommends allowing alcohol, those wishing to do so for their events will need to provide a \$150 deposit for said event and must follow all state and local alcohol regulations. With no further questions Rogge motioned to approve the recommendation from the public works commission regarding authorizing the use of alcohol at the community center. Motion was seconded by Ebke. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider recommendation from the public works commission regarding authorizing open gym hours at the community center.” Public works met earlier and recommends allowing open gym hours M-F from 1:30pm-3:30pm. Open gym users who are 2 or younger will need to be accompanied by a person 16 years of age or older. All users will be required to sign a one-time release to be kept on file in the City Office and will then be required to sign in for each use at the Community Building. With no further questions Rogge motioned to approve the recommendation from the public works commission regarding authorizing open gym hours M-F 1:30pm to 3:30pm at the community building. Motion was seconded by B. Schmidt. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider recommendation from the public works commission regarding allocation of \$10,000 for the construction of a new building near the baseball field in the City Park.” The current 40x40 storage building at the Legion field is in poor condition and is need of a new roof. The estimate for this was \$10,239.73. Due to the age and overall condition of the building this would be an oversized investment. The legion is willing to raise funds for a new building and staff has recommended to allocate the initial roof replacement cost of \$10,000 to be placed towards the construction of a new build. With no further questions Rogge motioned to approve the recommendation from the public works commission regarding allocation of \$10,000 for the construction of a new building near the baseball field in the City Park. Motion was seconded by B. Schmidt. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider recommendation from the public works commission regarding curb and gutter repair on the south side of 6th Street east of D Street and the north side of 5th Street east of E Street.” Several sections of curb and gutter in the downtown district have damage and need repair and have been prioritized for repair. Staff requested bids from 3 contractors receiving bids back from Lottman (\$35 liner foot) and Tiemann (\$28 linear foot). Project completion is late fall 2022. Staff recommends contracting with Tiemann Construction for approximately \$6,281 to assist with the curb and gutter repair. With no further questions, Rogge motioned to approve the recommendation from the public works commission regarding curb and gutter repair on the south side of 6th Street east of D Street and the north side of 5th Street east of E Street, with Tiemann Construction. Motion was seconded by B. Schmidt. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider pole attachment agreement contract between the city of Fairbury and Livingston Enterprises.” Livingston plans to run fiber lines. This is the City’s standard pole attachment agreement. With no further questions, B. Schmidt motioned to approve the pole attachment agreement contract between the city of Fairbury and Livingston Enterprises. Motion was seconded by Rogge. On roll call vote: D.Schmidt, Davis, Brown, Ebke, Kuzelka, Polson, Rogge, and B.Schmidt voting “yes.” Motion carried.

RESOLUTIONS AND ORDINANCES:

Resolution 1194- A resolution of the city of Fairbury, Nebraska levying and assessing various fees, bonds, or deposits. With no further questions, B. Schmidt motioned to approve resolution 1194- A resolution of the city of Fairbury, Nebraska levying and assessing various fees, bonds, or deposits. Motion was seconded by Ebke. On a roll call vote: D. Schmidt, Polson, Rogge, Ebke, Davis, Kuzelka, Brown, and B. Schmidt voting “yes.” Motion carried.

Ordinance No. 3108 – An ordinance of the City of Fairbury, Nebraska amending the City of Fairbury zoning regulations section 9.03 wireless communication towers (2nd reading). With no further questions, Polson motioned to give Ordinance 3108 its 2nd reading. Motion was seconded by Brown. On a roll call vote: Brown, Kuzelka, D. Schmidt, Davis, Polson, Rogge, Ebke, and B.Schmidt voting “yes.” Motion carried.

Reports/Discussion: none

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

The meeting adjourned at 8:55 PM.

Spencer Brown, Mayor

Date

Erin Reimer, City Clerk

Date