

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 15th day of June 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, Kelly Davis, Dusty Schmidt, 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 June 1, 2021
2. Approval of Claims \$308,891.90

Rogge moved to approve the minutes of the regular meeting of Council on June 1, 2021, and \$308,891.90 in claims. Motion was seconded by B.Schmidt. On roll call vote: Rogge, Polson, Ebke, Davis, Brown, Kuzelka, and B.Schmidt voting “yes.” Motion carried.

Swearing in of Councilperson, WARD III

- Administer Oath of Office to the newly appointed councilperson for Ward III. Attorney David Bargen administered the oath of office to Dustin Schmidt.

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

Interlocal agreement between Jefferson County and City of Fairbury for Law Enforcement Services: Sheriff Georgi was not able to attend the Council meeting, so City Administrator Mary Renn gave an overview of the proposal. The Sheriff’s department will experience cost increases in staffing, equipment, training, and equipment. The current contract allows for up to a 3% increase which is what the department is seeking, with the new proposed monthly charge being \$59,415.70.

AWIA Risk and Resilience Assessment (Olsson’s)- The America Water Infrastructure Act was implemented in 2018. Tiers were developed and Fairbury fell into completion tier number 3. Justin Stark with Olsson went over the assessment that was performed. The EPA has a 10-category check list which reflect components of the water system and how resilient it is. Fairbury has 2 water sources and 2 storage areas. The assessment looked at cyber security, cameras at well houses, natural hazards, and the development of an emergency response plan. The report is available electronically to view but was not printed for each Councilperson as it is 100 pages. The city must file by June 30, 2021 and will need to recertify the assessment every 5 years going forward.

Public Hearing concerning the recommendation of \$13,250.00 of LB840 local option sales tax funds for

eligible “downtown design challenge grant” program activities. Tom Bliss with SENDD discussed the 2 applicants that were recommended to receive funding from the Historic Preservation Committee. 524 E Street (LVS) is seeking \$10,250.00 for façade and structural work while 311 5th Street (Newton Trust) is seeking \$3,000.00 for façade improvements.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, “Consider special designated license (SDL) approval for the Bonham Theatre for July 22, 2021, trivia night.” With no further questions, Rogge moved to approve the special designated license (SDL) approval for the Bonham Theatre for July 22, 2021, trivia night. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, D. Schmidt, Rogge, Ebke, Kuzelka, Davis, and B.Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider Stan Schiermeyer- Veterans of Foreign Wars (VFW) donation request of the city in the amount of \$500 for the annual fireworks show.” With no further questions, Ebke moved to approve the request of the city in the amount of \$500 for the annual fireworks show-Veterans of Foreign Wars (VFW). Motion was seconded by Kuzelka. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider authorizing the purchase of four (4) G&W electric viper-ST solid dielectric reclosers, catalog NO.398ER-12-1-ST for the electric distribution upgrade project in the amount up to \$106,344.00 (approximately \$26,586 each including tax).” Renn informed council that switches/breaker do have a 20-week lead time and are needed to continue to move the project forward. With no further questions B. Schmidt motioned to authorize the purchase of four (4) G&W electric viper-ST solid dielectric reclosers, catalog NO.398ER-12-1-ST for the electric distribution upgrade project in the amount up to \$106,344.00 (approximately \$26,586 each including tax). Motion was seconded by Ebke. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider authorizing the purchase of diffusers for the wastewater treatment plant per quotation #286663 in the amount of \$24,664.58.” The diffuser replacement is a maintenance practice. They were last replaced in 2010 and should be replaced every 5-10 years. With no further questions, B. Schmidt motioned to authorize the purchase of diffusers for the wastewater treatment plant per quotation #286663 in the amount of \$24,664.58. Motion was seconded by Ebke. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of drawdown #3-downtown planning study project #19-PP-006 in the amount of \$17,300.00 to Miller and Associates for planning services through May 2021, CDBG funded.” With no further questions, Polson motioned to approve drawdown #3- downtown planning study project #19-PP-006 in the amount of \$17,300.00 to Miller and Associates for planning services through May 2021, CDBG funded. Motion was seconded by Davis. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of drawdown #4- downtown planning study project #19-PP-006 in the amount of \$409.85 to SENDD for general administration, CDBG funded.” With no further questions, B. Schmidt motioned to approve drawdown #4- downtown planning study project #19-PP-006 in the amount of \$409.85 to SENDD for general administration, CDBG funded. Motion was seconded by Ebke. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of drawdown #5- for storm water project #18-PW-002, SENDD general administration for a total amount of \$6,442.92, CDBG funded.” With no further questions, Rogge motioned to approve drawdown #5- for storm water project #18-PW-002, SENDD general administration for a total amount of \$6,442.92, CDBG funded. Motion was seconded by Polson. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of drawdown #6- for storm water project #18-PW-002, SENDD general administration for a total amount of \$17,927.08, CDBG funded.” With no further questions, Polson motioned to approve drawdown #6- for storm water project #18-PW-002, SENDD general administration for a total amount of \$17,927.08, CDBG funded. Motion was seconded by Kuzelka. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

RESOLUTIONS AND ORDINANCES:

Ordinance 3097 –A meeting of the Mayor and City Council of the City of Fairbury, Nebraska, was held at the Fairbury City Offices on the 15th day of June, 2021, at 7:30 o’clock P.M. Present were Mayor: Spencer Brown, and Council Members: Doug Brown, Dusty Schmidt, Bradley Kuzelka, Tim Polson, Phil Rogge, John Ebke, Brian Schmidt, and Kelly Davis. Absent: none. Advance notice of the meeting was given by publication, a designated method of giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. The public notice and the notice to the Mayor and the Council of the meeting included a statement that the meeting agenda was available for inspection prior to the meeting. The proceedings shown below were conducted while the convened meeting was open to the public to attend. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was held.

Council Member Rogge introduced Ordinance No. 3097 entitled:

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2021-01 IN THE CITY OF FAIRBURY, NEBRASKA, AUTHORIZING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN FUNDED BY A LEVY OF SPECIAL ASSESSMENTS, AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

The ordinance was then read by title and thereafter Council Member Rogge moved for final passage of the ordinance. The motion was seconded by Council Member Ebke. Upon roll call vote, the following Council Members voted YEA: Doug Brown, Dusty Schmidt, Bradley Kuzelka, Tim Polson, Phil Rogge, John Ebke, Brian Schmidt, and Kelly Davis. The following voted NAY: NONE. The passage and adoption of the ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted. A true, correct and complete copy of the Ordinance is as follows:

ORDINANCE NO. 3097

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2021-01 IN THE CITY OF FAIRBURY, NEBRASKA, AUTHORIZING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN FUNDED BY A LEVY OF SPECIAL ASSESSMENTS, AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FAIRBURY, NEBRASKA, AS FOLLOWS:

Section 1. That there has been duly filed with the City Clerk of the City of Fairbury, Nebraska, a petition requesting the creation of Street Improvement District No. 2021-01 of the City.

Section 2. That the outer boundaries of Street Improvement District No. 2021-01 shall include, in addition to the street to be improved, all the property abutting on such street to be improved. Within said district, the following street shall be constructed and paved with all necessary appurtenances related thereto, including, but not limited to, concrete paving, subgrade preparation, excavation removals, seeding and other appurtenances and accessories: I Street from 17th Street to 563.03 ft. south.

Section 3. That, after a public hearing on the creation of the Street Improvement District held on this date, it is hereby determined that the petition for creation of the district is sufficient, having been signed by the owners of record title representing more than sixty percent of the front footage of the property directly abutting on the street to be improved, and it is further determined that there is no reason or grounds to deny the petition.

Section 4. That the petition to create Street Improvement District No. 2021-01 is hereby granted and there is hereby created in the City of Fairbury, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 2021-01 of the City of Fairbury, Nebraska with outer boundaries as described in Section 2 above.

Section 5. Said street shall be improved and said improvements shall be made in accordance with the plans, specifications and estimates prepared by the special engineers for the City and to be approved by the Mayor and the Council. Pursuant to Section 17-509 of the Nebraska Revised Statutes, the cost of such improvements shall be by a levy of special assessments against the property especially benefitted thereby. The cost of improvements is estimated to be \$198,950.00.

Section 6. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this ____ day of _____, 2021.

Spencer Brown, Mayor

ATTEST:

Erin Reimer, City Clerk

[SEAL]

Resolution 1150 a resolution to levy and assess costs of nuisance abatement against certain properties. With no further questions, B. Schmidt moved to approve Resolution 1150 a resolution to levy and assess costs of nuisance abatement against certain properties. Motion was seconded by Ebke. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Resolution 1151 a resolution to levy and assess costs of nuisance abatement against certain properties. With no further questions, Brown moved to approve Resolution 1151 a resolution to levy and assess costs of nuisance abatement against certain properties. Motion was seconded by Davis. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Resolution 1153 a resolution to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program- Lambert Vet Supply. The amount of LB840 dollars is \$10,250.00. With no further questions, Davis moved to approve Resolution 1153 a resolution to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program- Lambert Vet Supply. Motion was seconded by B. Schmidt. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Resolution 1154 a resolution to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program- Newton Family Trust. The

amount of LB840 dollars is \$3,000.00. With no further questions, Ebke moved to approve Resolution 1154 a resolution to use LB840 local option sales tax revenues under the approved economic development plan and the “downtown design challenge grant” program- Newton Family Trust. Motion was seconded by Polson. On a roll call vote: Polson, D. Schmidt, Brown, Rogge, Ebke, Kuzelka, Davis, and B. Schmidt voting “yes.” Motion carried.

Reports/Discussion:

City Administrator- None

Mayor- Expressed sympathies of the passing of past Councilperson Rick Carmichael

Committee- None

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

The meeting adjourned at 8:03 PM.

Spencer Brown, Mayor

Date

Erin Reimer, City Clerk

Date