

The Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 1st day of August 2023, at 7:30 PM. Mayor Brown called the meeting to order.

Notice of the 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, John Ebke, Tim Polson, B. Schmidt, Kelly Davis, Dusty Schmidt, and Brad Kuzelka. Absent: Phil Rogge

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 July 18, 2023.
2. Approval of Claims \$1,320,239.88

Rogge moved to approve the minutes of the regular meeting of Council on July 18, 2023, and \$1,320,239.88 in claims. On roll call vote: Polson, Brown, Ebke, Kuzelka, B. Schmidt, D. Schmidt, and Davis. “yes.” Motion carried.

PUBLIC HEARINGS & PRESENTATIONS

Public Hearing regarding the issuance of Class I liquor license to Miranda Pratt, DBA The Creative Cup, 415 5th Street. Miranda Pratt was present to discuss the overview of the concept of the Creative Cup, a paint and sip set up offering classes for: adult, children, couple, and other events. Miranda has been involved with the paint and sip concept for over 5 years while living in Kansas City. She has been a member of the Fairbury community for 3 years.

Public Hearing regarding an application for Mann-Agement addition preliminary replat, a replat of part of Lot 1 and a portion of Lot 2 of subdivision of the Southwest ¼ of the Northwest ¼ section 11 T2N R2E of the 6th P.M. Jefferson County, Nebraska. Generally located at 1411 K Street, Fairbury NE. Development Services Director Bedlan, discussed this is a preliminary re-plat in which the planning and zoning committee has met, reviewed, and recommended to council for review with few modifications related to utilities, purpose of subdividing, easement access, and drainage plan waiver to be amended in the final re-plat.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, “Consider approval of license status of Class I Liquor License for Miranda Pratt, DBA The Creative Cup, 415th Street.” With no further questions, Davis motioned to approve license status of Class I Liquor License for Miranda Pratt, DBA The Creative Cup, 415th Street. Motion was seconded by Ebke. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting “yes.” Motion carried.

Mayor Brown then introduced the next item of current business, “Consider recommendation from the planning commission regarding an application for Mann-Agement Addition preliminary re-plat, a replat of part of Lot 1 and a portion of Lot 2 of a subdivision of the Southwest ¼ of the Northwest ¼ Section 11 T2N R2E of the 6th P.M., Jefferson County, Nebraska. Generally located at 1411 K Street, Fairbury, NE. With no further questions, B. Schmidt motioned to approve the recommendation from the planning commission regarding an application for Mann-Agement Addition preliminary re-plat, a replat of part of Lot 1 and a portion of Lot 2 of a subdivision of the Southwest ¼ of the Northwest ¼ Section 11 T2N R2E of the 6th P.M., Jefferson County, Nebraska. Generally located at 1411 K Street, Fairbury, NE. Motion was seconded by Polson. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting “yes.” Motion carried.

Mayor Brown then introduced the next item of current business, “Consider Fairbury Airport Authority’s tax request of \$39,700 for Fiscal Year 2023-2024.” City Clerk Reimer informed the council this request

did remain flat to last year's tax request. Sandi Decker was present for questions. With no further questions, Brown motioned to approve the Fairbury Airport Authority's tax request of \$39,700 for Fiscal Year 2023-2024. Motion was seconded by B. Schmidt. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting "yes." Motion carried.

Mayor Brown then introduced the next item of current business, "Consider authorizing an additional 1% increase in restricted funds limitation for the 2023-2024 budget for the city of Fairbury." City Clerk Reimer discussed with council that this is an annual process related to the upcoming budget in which if approved allows the city to increase the authority to generate additional restricted funds. With no further questions, Ebke motioned to approve the 1% increase in restricted funds limitation for the 2023-2024 budget for the city of Fairbury. Motion was seconded by Kuzelka. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting "yes." Motion carried.

Mayor Brown then introduced the next item of current business, "Consideration and approval of the Loveland Products Inc (Nutrien) contract between the city of Fairbury and Loveland Product Inc, allowing Mayor Brown to sign any and all related documents." City Clerk Reimer discussed the contract has been reviewed by legal counsel for the city, city staff, and legal counsel representing Loveland. The project overview consists of the line department moving overhead within the plant to underground. With no further questions, Brown motioned to approve the Loveland Products Inc (Nutrien) contract between the city of Fairbury and Loveland Product Inc, allowing Mayor Brown to sign any and all related documents. Motion was seconded by B. Schmidt. On roll call vote: Brown, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting "yes." Ebke abstaining. Motion carried.

RESOLUTIONS AND ORDINANCES:

Resolution 1231 – Authorizing the mayor and the development services director of the city of Fairbury, Nebraska to execute documents required to receive United States Department of Agriculture Rural Development Financial Assistance. This resolution would allow the city to apply for a USDA grant to try and gain financial assistance for the replacement of the crane at the transfer station. With no further questions, B. Schmidt motioned to approve resolution 1231 – Authorizing the mayor and the development services director of the city of Fairbury, Nebraska to execute documents required to receive United States Department of Agriculture Rural Development Financial Assistance. Motion was seconded by Polson. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting "yes." Motion carried.

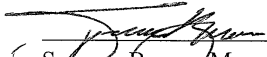
Ordinance 3114- 1. Ordinance 3114- an ordinance amending city of Fairbury ordinance no. 3032 regarding a drought emergency contingency plan; to establish procedures for restriction of water use in the event of water shortages or limited supplies, and to impose penalties for noncompliance; to repeal conflicting ordinances and sections; and to provide for the effective date thereof. Water Superintendent, Jeff Sweetser was present and discussed the old ordinance numbers reflected the amount of water that the city could pump when Crystal Springs was in operation. Without the use of Crystal we have lost the ability to meet the emergency criteria of the old ordinance. Crystal was able to add an additional 864,000 gallons of water to the city daily. The numbers were adjusted to reflect current pumping capacity. Councilperson Kuzelka had several questions about where the water was all going and suggested we do an audit to disprove signs of leaks. Sweetser stated most of the water is going into the ground with irrigators and stated it was not possible to know what people are actually doing with the water, we can only identify the quantity used. Other discussion was had to amend the ordinance to allow for the drought emergency measures to consider all addresses not just residences. The water superintendent did also state he has visited with County Emergency Manager, John McKee and is able to push out the drought warning to all those signed up through the reverse 911 system to notify them of the request. With no further questions, motioned to amend proposed Ordinance 3114, section 3(d) to state properties not residents, and addresses not houses. Motion was seconded by Kuzelka. Motion was seconded by Polson. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting "yes." Motion carried. Brown then motioned to suspend the 3 reading for Ordinance 3114. Motion was seconded by B. Schmidt. Motion was seconded by Polson. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting "yes." Motion carried. A motion was then made by B. Schmidt to adopt Ordinance 3114 as amended. Motion was seconded by Polson. Motion was seconded


by Polson. On roll call vote: Brown, Ebke, Polson, Davis, B. Schmidt, D. Schmidt, and Kuzelka voting "yes." Motion carried.

Reports: Mayor Brown applauded Councilperson Davis for being inducted in the American Eagles hall of fame.


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

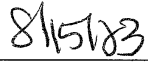
The meeting adjourned at 8:04 PM.



Spencer Brown, Mayor


Erin Reimer, City Clerk



Date


Date

