

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 4th day of October 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- Tim Polson, Kelly Davis, Phil Rogge, Brian Schmidt, John Ebke, Doug Brown, Dusty Schmidt, and Bradley Kuzelka. Absent: None

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 September 20, 2022
2. Approval of Claims \$1,362,898.91

Rogge moved to approve the minutes of the regular meeting of Council on September 20, 2022, and \$1,362,898.91 in claims. Motion was seconded by B. Schmidt. On roll call vote: Rogge, Polson, Kuzelka, Davis, D. Schmidt, Brown, Ebke, and B. Schmidt voting “yes.” Motion carried.

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

Presentation of the analytical model for the Leonard Rice Engineering water sourcing project proposal. John Moore with LRE was present and discussed the finding of the model study. With the specialization of water in the Midwest John was tasked with reviewing the findings of the aquifer and test pumps from Miller and Associates. Several models were used to compile the data including, a conceptual model, steady state and transient. The transient model ran for 6 years utilizing the past 6 years data. It was also noted that the LRE model ran continuously for data reporting. Mod-flow was also used which is utilized by the U.S. Geological Survey and is the industry standard nationwide. The results yielded in favor of the water project moving forward with limited impact on the surrounding area, with the test site having a total impact on the aquifer of 4% and irrigation resulting in a 96% usage. It was noted that the well field is in one of the deepest areas of the aquifer. There were several questions from the public relating to nitrates, residential wells, other options for clean water, and who to direct questions to regarding the model. Council had questions regarding the usage of the current water source to shave during peak time, in which it was reiterated that the city would be using the East wells for peak shaving and the option to re-punch wells at the east well field (this was tried and not productive in 2017).

Public Hearing concerning declaration by the city council of an area within the City of Fairbury, as previously designated, as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law. Laura Bedlan, Development Services Director informed

council that on September 18, 2022, the planning and zoning committee held a hearing on September 19, 2022, to review and make recommendations on the Blight and Substandard Study regarding statute requirements, proposed district location, building age and conditions of the roads and infrastructure. There was a vote of 7-0 to approve declaration of the 16th and D and the Hubble study areas as substandard.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, “Consider approval of Miller and Associates Engineering to provide updated estimated costs and funding options for the water sourcing project.” With no further questions Brown motioned to move forward with Miller and Associates presenting council with an updated costs for the project and potential funding opportunities. Motion was seconded by B. Schmidt. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider recommendation from the public works committee regarding a request to host a “Christmas at Crystal” celebration from December 2nd – December 30th and to use the park from November 26th – January 1st for display set up, drive through and display removal.” Brian Schmidt informed council that the event will be very similar to last year. There are more participants anticipated which is why they have asked for more time to set up. With no further questions, Rogge moved to approve the recommendation from the public works committee regarding a request to host a “Christmas at Crystal” celebration from December 2nd – December 30th and to use the park from November 26th – January 1st for display set up, drive through and display removal. Motion was second by Polson. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the recommendation from the personnel committee regarding the hiring of the children’s librarian position, Patricia Vculek.” Personnel committee met and moved forward with the recommendation of the library board to choose Patricia Vculek as the new Children’s librarian. With no further questions, Brown motioned to approve the recommendation from the personnel committee regarding the hiring of the children’s librarian position, Patricia Vculek. Motion was seconded by B. Schmidt. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the recommendation from the public safety committee regarding the modification to the interlocal agreement with the Jefferson County Sheriff’s department regarding the rate change period from June 1- July 1 to October 1- November 1 of each year, extending the contract period from June 30, 2029- October 31, 2029.” John Ebke, committee chair discussed that the proposed change would better align with the fiscal year of both the city and county for budgeting purposes. With no further questions, Ebke motioned to approve the recommendation from the public safety committee regarding the modification to the interlocal agreement with the Jefferson County Sheriff’s department regarding the rate change period from June 1- July 1 to October 1- November 1 of each year, extending the contract period from June 30, 2029- October 31, 2029, while authorizing the modification and allowing the mayor to sign necessary documents. Motion was second by Rogge. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the recommendation from the public safety committee regarding the contractual rate increase for the next 3 years from 3% to 6%, after the third year returning to a 3% increase.” John Ebke, committee chair discussed that the sheriff’s department originally requested a 10% increase due to inflation and increase costs overall. After several meeting the proposed was changes were agreed upon. Kuzelka expressed concern that the original contract was presented to the public as to not exceed a 3% increase, while also stating that the agreed upon proposed numbers were approved with a 2-1 vote. Davis expressed concern over the quality of service currently being provided by the Sheriff’s department, while also noting the heavy presence of the state patrol in town. With no further questions, Ebke motioned to approve the recommendation from the public safety committee regarding the contractual rate increase for the next 3 years from 3% to 6%, after the third year returning to a 3% increase and to have legal counsel create an addendum to modify the contract to also include a not to exceed 6% raise increase clause while authorizing the mayor to sign any related documents. Motion was seconded by Rogge. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the recommendation from the public safety committee regarding the approval to allow the city code enforcement officer to issue citations for city code/ordinance violations.” Code enforcement officer would need to be certified to issue citations and this can be accomplished through our local Sheriff’s department. With no further questions, Ebke motioned to approve the recommendation from the public safety committee regarding the approval to allow the city code enforcement officer to issue citations for city code/ordinance violations. Motion was seconded by Kuzelka. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the recommendation from the public safety committee regarding the contract with the County Attorney to prosecute city code/ordinance violations.” With no further questions, Ebke motioned to approve the recommendation from the public safety committee regarding the contract with the County Attorney to prosecute city code/ordinance violation at no cost and to authorize Mayor Brown to sign any related documents. Motion was seconded by Rogge. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the recommendation from the public works committee regarding the purchase of a new utility truck for the water department.” Public works committee met prior to council and are recommending a 2019 F250 4x4 Ex-Cab utility truck. With no further questions, Rogge motioned to approve the purchase of a new utility truck for the water department.” Public works committee met prior to council and are recommending a 2019 F250 4x4 Ex- Cab utility truck in the amount of \$45,050.00. Motion was seconded by B. Schmidt. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

Mayor Brown introduced the next item of current business, “Consider approval of the recommendation from the public works committee regarding the purchase of a new dump truck for the street department.” Public works committee had met prior to council and are recommending the purchase of two dump trucks for the street department: 2022 F650 for \$85938.00 plus freight and addition of blade and sander and a 2022 F650 for \$84838.00 plus freight and addition of blade and sander. Blade and sander are

estimated to cost \$40,000 for each truck. With no further questions, Rogge motioned to approve the recommendation from the public works committee regarding the purchase of a new dump truck for the street department.” Public works committee had met prior to council and are recommending the purchase of two dump trucks for the street department: 2022 F650 for \$85938.00 plus freight and addition of blade and sander and a 2022 F650 for \$84838.00 plus freight and addition of blade and sander. Motion was seconded by B. Schmidt. On a roll call vote: Brown, Ebke, Polson, Rogge, Kuzelka, Davis, D. Schmidt, and B. Schmidt voting “yes.” Motion carried.

RESOLUTIONS AND ORDINANCES:

Resolution 1208- declaring a portion of the City of Fairbury to be blighted and substandard, pursuant to the Nebraska Community Development Law. With no further questions, Brown moved to approve Resolution 1208- declaring a portion of the City of Fairbury to be blighted and substandard, pursuant to the Nebraska Community Development Law. Motion was seconded by Ebke. On a roll call vote: Brown, D. Schmidt, Davis, Ebke, Polson, Rogge, Kuzelka, and B. Schmidt voting “yes.” Motion carried

Resolution 1209- declaring notice of intent to levy special assessments against property located in the Street Improvement District No. 2021-01 of the city and giving notice of a public hearing with regard to the same. With no further questions, Polson motioned to adopt Resolution 1209- declaring notice of intent to levy special assessments against property located in the Street Improvement District No. 2021-01 of the city and giving notice of a public hearing with regard to the same. Motion was seconded by B. Schmidt. On a roll call vote: Brown, D. Schmidt, Davis, Ebke, Polson, Rogge, Kuzelka, and B. Schmidt voting “yes.” Motion carried

Resolution 1210- Signing of the municipal annual certification of program compliance 2022 to Nebraska Board of Public Roads Classifications and Standards. With no further questions, B. Schmidt motioned to approve Resolution 1210- Signing of the municipal annual certification of program compliance 2022 to Nebraska Board of Public Roads Classifications and Standards. Motion was seconded by Davis. On a roll call vote: Brown, D. Schmidt, Davis, Ebke, Polson, Rogge, Kuzelka, 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 Ebke. On a roll call vote: Brown, Ebke, Polson, Davis, D. Schmidt, Rogge, Kuzelka, and B. Schmidt voting “yes.” Motion carried

The meeting adjourned at 9:00 PM.

Spencer Brown, Mayor

Date

Erin Reimer, City Clerk

Date