

REGULAR MEETING OF THE CHAIRPERSON AND BOARD OF TRUSTEES OF
FAIRMONT NEBRASKA

Monday, June 11, 2018

The Regular meeting of the Fairmont Village Board of Trustees was convened in open and public session on Monday, June 11, 2018 at 7:00 p.m. at the Fairmont Village Hall, 635 6th Ave., Fairmont NE. Notice of the meeting was given in advance according to proper notification by posting of meeting notice at Heartland Bank-Fairmont Branch, U.S. Post Office and Fairmont Village Hall. Acting Chairperson David R. Seggerman called the meeting to order. Clerk/Treas. Linda Carroll recorded the minutes. Board members present upon roll call were: Jack R. Slocum, Aaron T. Fintel and Acting Chairperson Seggerman. Chairperson Donald A. Moses and Trustee Selina J. West were absent. Visitors to the meeting were: Jeff Neiman, Skip Radke, Elizabeth Long, Jennifer Slezak, Leah Kottwitz, Chris & Aislee Grant, Lynn West, Tyler Salmon and Dan Slocum. Acting Chairperson Seggerman noted that a copy of the Open Meetings Act was posted in the council meeting room for public inspection and review. Fintel moved and Slocum seconded to approve the minutes of the May 14, 2018 board meeting. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved. April 30, 2018 Treasurer's Report was placed on file.

PUBLIC FORUM

Skip Radke visited with the board regarding: 1) Structural condition of City Park and Ballfield Park restrooms – need to have a building inspector come and look restrooms as they are in disrepair- John Hughes, Building Inspector will be instructed to look at ballfield park and city park restroom structures; 2) Mowing around street light power control on right of way property – Skip stated in the past the village mowed around the lighting control center-Trustee Slocum stated the village would continue mowing around the lighting control center; 3) Manning Grain– Skip requested the village corresponded with Manning Grain on their rail crossings at “ F” Street and “G” Street on east side of town - village will contact Manning Grain; 4)Horse shoe pitching area at Swim pool park– should have a 12’ peak of the arch of a covering over the area – Skip said he would be willing to get estimates for the covering.

PUBLIC HEARING 7:13 P.M.

Acting Chairperson Dave Seggerman opened a public hearing at 7:13 p.m. to receive comments on the following proposed amendment to the current village zoning regulations governing the following:

-5.2.02 Permitted Principal Uses and Structures #3 animal limitations...(unless operating under an approved Conditional Use Permit)

-5.2.04 Conditional Uses Item #13 Expansion of existing intensive livestock confinement facilities in the AG-2 agricultural district by conditional use”.

-9.20 Intensive Livestock Facilities/Operation #2 on be allowed in the AG-1 and AG-2 Agricultural districts; and must comply with the following conditions unless operating under and approved Conditional Use Permit which specifically relaxes or waives said condition:.

Zoning Administrator Jennifer Slezak reported: 1) Fillmore County Planning Committee met on May 21, 2018 and recommended approval of the amendment; 2) Areas amending would allow for an increase in the number of head of livestock permitted by granting a conditional use permit; 3)Elizabeth Long inquired about the public notice sent to adjoining property owners regarding

the conditional use permit to Circle Five Feed Yard to expand the current operation an additional 2,500 head of cattle with a confinement barn—Jennifer stated the notice of the public hearing was sent to property owners within a one-mile radius of the Circle Five property and the public hearing for the conditional use permit request would be the June 18, 2018 county planning commission meeting and the public hearing for the increase in livestock and conditional use permit request would be at the July 9, 2018 village board meeting; 4) Public hearing remained open as the board continued on with the agenda.

LEAH KOTTWITZ, JEO CONSULTING GROUP, INC.

2017 Sanitary Sewer and Water System Improvements

Leah reviewed Pay Application #3 in the amount of \$122,157.50 for the lagoon modifications of the 2017 Sanitary Sewer and Water System Improvements from Van Kirk Bros. Contracting. Fintel moved and Slocum seconded to approve Pay Application #3 in the amount of \$122,157.50 for the 2017 Sanitary Sewer and Water System Improvements from Van Kirk Bros. Contracting. Voting aye: Fintel, Slocum, and Seggerman. Absent: Moses and West. Motion carried.

CHRIS & AISLEE GRANT PROPERTY

Electric Scope of Service

A Scope of Service in the amount of \$7,300 (Design phase \$4,900; Construction phase \$2,400) for electrical improvements located at the intersection of “E” Street & 11th Ave. (Chris & Aislee Grant Property) from JEO was reviewed. The plans & specifications will be sent to Schmader Electric and Watts Electric, as these two companies have bid on projects for the village in the past. Seggerman moved and Slocum seconded to approve the of Scope of Service in the amount of \$7,300 from JEO Consulting Group, Inc. for electrical improvements located at the intersection of “E” Street & 11th Ave. (Chris & Aislee Grant Property). Voting aye: Seggerman, Slocum, Fintel. Absent: Moses and West. Motion approved.

PUBLIC HEARING CLOSED 7:30 P.M.

Acting Chairperson Seggerman closed the public hearing for amending the zoning regulations noted above at 7:30 p.m.

ORDINANCE #18-523 – AMENDING ZONING

Seggerman introduced ORDINANCE #18-523 AN ORDINANCE AMENDING THE FAIRMONT ZONING ORDINANCE ATTACHED TO AND AS PROVIDED BY ARTICLE 12, OF THE FAIRMONT ZONING ORDINANCE, BY CHANGING THE TEXT AS SHOWN THEREON and moved that the statutory rule requiring reading on three days be dispensed with. Fintel seconded the motion. Voting aye: Seggerman, Fintel and Slocum. Absent: Moses and West. Motion approved. Slocum moved and Fintel seconded to pass and adopt Ordinance #18-523. Voting aye: Slocum, Fintel and Seggerman. Absent: Moses and West. Motion approved.

CHRIS & AISLEE GRANT PROPERTY (continued)

Annexation Petition

Chris Grant presented a Petition for Annexation on the following property: A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SIXTH P.M., FILLMORE COUNTY,

NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE S00°33'44"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1055.83 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 6; THENCE N85°29'14"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 160.15 FEET TO THE NORTHWEST CORNER OF VACATED LOT 7, SECOND EAST ADDITION TO THE VILLAGE OF FAIRMONT; THENCE S00°11'05"E ON THE WEST LINE OF SAID VACATED LOT 7, A DISTANCE OF 279.29 FEET TO THE SOUTHWEST CORNER OF SAID VACATED LOT 7; THENCE S00°10'16"E ON THE WEST LINE OF LOTS 26 THROUGH 28, INCLUSIVE OF BLOCK 4, EAST ADDITION TO THE VILLAGE OF FAIRMONT, A DISTANCE OF 135.86 FEET TO THE SOUTHWEST CORNER OF SAID LOT 28; THENCE S89°57'48"E ON THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 150.41 FEET TO THE SOUTHEAST CORNER OF SAID LOT 28; THENCE S89°57'48"E, A DISTANCE OF 70.00 FEET TO THE SOUTHWEST CORNER OF LOT 73, BLOCK 5 OF SAID EAST ADDITION; THENCE S89°57'48"E ON THE SOUTH LINE OF LOTS 73 AND 78, OF SAID BLOCK 5, A DISTANCE OF 300.80 FEET TO THE SOUTHEAST CORNER OF SAID LOT 78; THENCE S89°57'48"E, A DISTANCE OF 70.00 FEET TO THE SOUTHWEST CORNER OF LOT 123, BLOCK 12 OF SAID EAST ADDITION; THENCE S89°57'48"E ON THE SOUTH LINE OF LOTS 123 AND 128 OF SAID BLOCK 12, A DISTANCE OF 300.80 FEET TO THE SOUTHEAST CORNER OF SAID LOT 128; THENCE N00°05'55"W ON THE EAST LINE OF LOTS 126 THROUGH 128, INCLUSIVE, OF SAID BLOCK 12, A DISTANCE OF 139.27 FEET TO THE NORTHEAST CORNER OF SAID LOT 126; THENCE N89°49'02"E ON THE SOUTH LINE OF VACATED LOT 8, OF SAID SECOND EAST ADDITION, A DISTANCE OF 133.13 FEET TO THE SOUTHEAST CORNER OF SAID VACATED LOT 8; THENCE N00°17'58"W ON THE EAST LINE OF SAID VACATED LOT 8, A DISTANCE OF 346.79 FEET TO SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 6; THENCE N00°17'58"W ON THE NORTHERLY EXTENSION OF SAID EAST LINE OF VACATED LOT 8, A DISTANCE OF 90.24 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S85°29'24"W ON SAID SOUTHERLY RAILROAD RIGHT OF WAY LINE, A DISTANCE OF 1027.36 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID VACATED LOT 7; THENCE S00°11'05"E ON SAID NORTHERLY EXTENSION, A DISTANCE OF 80.23 FEET TO THE POINT OF BEGINNING, CONTAINING 12.18 ACRES, MORE OR LESS. Fintel moved and Slocum seconded to instruct the Clerk to forward the Annexation Petition to the Village Attorney to draft an Annexation Ordinance for consideration at the July 9, 2018 board meeting. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved.

Street Vacation

Chris Grant presented a request for the following street to be vacated: THAT PART OF 12TH AVENUE AS PLATTED IN THE VILLAGE OF FAIRMONT, FILLMORE COUNTY, NEBRASKA, LYING NORTH OF "E" STREET, AND ADJACENT TO LOTS 26, 27 AND 28, BLOCK 4, AND LOTS 73, 74 AND 75, BLOCK 5, ALL IN EAST ADDITION TO THE VILLAGE OF FAIRMONT. Seggerman moved and Fintel seconded to instruct the Clerk to forward the request for vacating a portion of 12th Street to the Village Attorney to draft an

Ordinance for consideration to vacate the street which will be considered at the July 9, 2018 board meeting. Voting aye: Seggerman, Fintel and Slocum. Absent: Moses and West. Motion approved.

APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 16-HO-36063 HOUSING REHABILITATION CONSTRUCTION CONTRACTS

Village board reviewed an e-mail from James Warrelmann, Housing Program Manager for Southeast Nebr. Dev. Dist. (SENDD) regarding contracts to be awarded for CDBG 16-HO-36063 Housing rehabilitation properties. The housing committee has approved the construction contracts on the properties and requested the village board approve contracts on applicants 001, 011,013,016 and 020.

Fintel moved and Slocum seconded to award bid to Nathan Clarke, NJC Contracting, Lincoln NE in the amount of \$20,348 for Village of Fairmont CDBG 16-HO-36063 Housing Rehabilitation Applicant #1. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved.

Seggerman moved and Slocum seconded to award bid to Nathan Clarke, NJC Contracting, Lincoln NE in the amount of \$24,995 for Village of Fairmont CDBG 16-HO-36063 Housing Rehabilitation Applicant #11. Voting aye: Seggerman, Slocum and Fintel. Absent: Moses and West. Motion approved.

Fintel moved and Seggerman seconded to award bid to Nathan Clarke, NJC Contracting, Lincoln NE in the amount of \$22,781 for Village of Fairmont CDBG 16-HO-36063 Housing Rehabilitation Applicant #13. Voting aye: Fintel, Seggerman and Slocum. Absent: Moses and West. Motion approved.

Slocum moved and Fintel seconded to award bid to Nathan Clarke, NJC Contracting, Lincoln NE in the amount of \$24,995 for Village of Fairmont CDBG 16-HO-36063 Housing Rehabilitation Applicant #16. Voting aye: Slocum, Fintel and Seggerman. Absent: Moses and West. Motion approved.

Seggerman moved and Fintel seconded to award bid to Geoff Schneider, Quality Remodeling, Walton NE in the amount of \$24,995 for Village of Fairmont CDBG 16-HO-36063 Housing Rehabilitation Applicant #20. Voting aye: Seggerman, Fintel and Slocum. Absent: Moses and West. Motion approved.

CLAIMS

Fintel moved and Slocum seconded to pay the following claims: (Claims Abbreviations: Eq, Equipment; Ex, Expense; Ma, Maintenance; Mi, Mileage; Misc, Miscellaneous; Re, Repairs; Sa, Salaries; Se, Service; Su, Supplies; Ut, Utilities; CI, Capital Improvement; Tif, Tax Increment Financing: GENERAL FUND: AFLAC-Sa\$818.18; ALL AROUND LAWN-Su\$411.45; AMERTIAS-Sa\$2,558.12; AQUA CHEM INC.-Su\$888.94; ASSURITY-Sa\$28.42; BAMFORD-Se\$200; BILL'S REP-Re\$2,142.45; BLACK HILLS-Ut\$435.94; BLUE CROSS/BLUE SHIELD-Sa\$6,280.27; BURTON ENT- Ut.\$ 1,340; CASEY'S-Ex\$99.01; COMPLETE MERCHANT SERVICE-Ex\$74.40; DAVE SEGGERMAN-

Su\$16.57;EXETER LUMBER LLC-Re\$136.80;DIODE TECH-Re\$4.99;EAKES OFFICE PROD-Su\$160.19;EFTPS-Sa\$5,307.90;ELLISON YARD SERVICE-Se\$700;FAIRMONT LIGHT & WATER-Ut\$3,645.87;FARMERS COOP-Ex\$687.99;FIRST NATIONAL BANK-Ex, Ma, Re, Su-\$3,918.93; FIRST CONCORD GROUP, INC.-Sa\$394.24;GENEVA LUMBER-Su\$18.99;HAWKINS-Su\$1,643.57; HEARTLAND-Ex\$28.94;HOMETOWN LEASING-Se\$115;JEO-Se\$4,272.50;KNOELL CONSTRUCTION-Se\$2,835;KOPCHOS-Ut\$54;LAWSON PRODUCTS-Su\$68.17;LINCOLN WINWATER WORKS-Re\$391.27;MARC-Su\$190;MADISON LIFE-\$296.34;MOMAR-Su\$259.21;MUNICIPAL SUPPLY INC.-Su\$3,922.91;NPPD-Ex\$26,130.15;NEBR.HEALTH LAB-Se\$539;NEBR. JUDICIAL BRANCH-Sa\$286.75;NeRWA-Ex\$300;NEONLINK-Se\$82;NICK'S FARM STORE-Re\$72.20;NMPP/ENERGY-Se\$1,100;NEBR.DEPT. OF ENV. QUALITY-Ex\$7,004.46;ONE-CALL LOCATES-Se\$28.35;PAYROLL-Sa\$20,588.80;PERENNIAL-Ex\$1,960.50;REMBOLT LUDTKE-Se\$2,000; STATE OF NEBR. DEPT. OF REV.-Ex&Sa\$3,162.74; THE NEBR. SIGNAL-Se\$94.26;US POST OFFICE-Ex\$201;WINDSTREAM-Ut\$649.77;YORK ACE HARDWARE-Re\$191.28;VIAERO-Ut\$206.36, ZITO MEDIA-Ut\$132.54; BOND FUND-BOK FINANCIAL- prin, int&se\$113,586.25. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved.

CORRESPONDENCE

Board reviewed the following correspondence:

1)Final approval received from State of Nebr. for new pool slide; 2)Burton Enterprises recycling April 2018 receipts of \$35.10; 3) E-mail from Skip Radke on restrooms—have building inspector review structures for safety; 4) Minutes of Fairmont Aging Service May 14,2018 and May 2018 Financial.

OLD BUSINESS

None

MARSHAL REPORT

Village Marshal Tyler Salmon reviewed monthly report.

UTILITY SUP. REPORT

Lynn West, Utility Superintendent reviewed monthly maintenance report. Items discussed: 1) Electric and water service for new home owner; 2) Received final approval and an Administrative Order warning on the water maintenance completed by Maguire Iron Inc; 3) Lynn offered his resignation effective June 25, 2018—Seggerman moved and Fintel seconded to accept Lynn West's resignation as Utility Superintendent as of June 25, 2018. Voting aye: Seggerman, Fintel and Seggerman. Absent: Moses and West. Motion approved. ; 4) Acting Ut. Superintendent - Seggerman moved and Fintel seconded to approve Dan Slocum as Acting Ut. Superintendent. Voting aye: Seggerman, Fintel and Slocum. Absent: Moses and West. Motion approved; 5) Reviewed two applications for seasonal mowing/maintenance position—Fintel moved and Slocum seconded to hire Don Marget as seasonal mowing/maintenance personnel at \$12.75/hr. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved; 6) Full-time maintenance personnel advertisement will be posted and published in The Nebr. Signal, Advantage and various municipal publications.

EXECUTIVE SESSION

Fintel moved and Slocum seconded to convene into executive session at 8:30 p.m. pursuant to Neb. Rev. Stat. 84-1410 in order to prevent needless injury to the reputation of an individual. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved. Acting Chairperson Seggerman restated the reason for the closed session was to prevent needless injury to the reputation of an individual and that only that purpose will be discussed in the closed session. Fintel moved and Slocum seconded to reconvene into open session at 8:50 p.m. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved.

CLERK REPORT

Linda Carroll, Clerk/Treas. reviewed monthly report. Items discussed: 1) 220 Community Surveys were mailed to residents; 2) Livestock in corporate limits- this municipal code was repealed on December 20, 2007; 3) Current property owner at 900 C Street has potential buyer interested who would like to have horses on the ground surrounding the property- property owner will make a request to change zoning from Residential 1 District to an Agricultural 2 District with the Fillmore County Zoning Administrator.

PAYMENT ARRANGEMENT

Fintel moved and Slocum seconded to approve Payment Arrangement Form #302. Voting aye: Fintel, Slocum and Seggerman. Absent: Moses and West. Motion approved.

ADJOURNMENT

Fintel moved and Slocum seconded to adjourn the meeting at 9:18 p.m. Voting aye: Fintel, Slocum and Seggerman. Motion approved.

The next Regular Meeting will be Monday, July 9, 2018 at 7:00 p.m.

DONALD A MOSES Chairperson

LINDA J. CARROLL, CMC
Clerk/Treas.