

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

September 11, 2017

The Regular meeting of the Fairmont Village Board of Trustees was convened in open and public session on Monday, September 11, 2017 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 D. Slocum, Selina J. West, and Aaron T. Fintel. Board Chairperson Donald A. Moses arrived at 7:15 p.m. Visitors to the meeting were: Skip Radke, Steve McLeish, Victoria Verhage, Steve and Marcia Cantrell, Raine, Monte Stouffer, Lynn West. Chairperson Moses noted that a copy of the Open Meetings Act was posted in the council meeting room for public inspection and review. Slocum moved and Fintel seconded to approve the minutes of August 14, 2017 and August 30, 2017 Board meetings. Voting aye: Slocum, Fintel, West, Seggerman and Moses. Motion approved.

**PUBLIC FORUM**

Skip Radke visited with the board: 1)The four way stop at the swim pool and thought it would be a good idea to leave all four stop signs up year around so residents would be accustomed to stopping. Currently the village leaves up two of the stop signs when the pool season has ended. General consensus of the board was to put back so all four stop signs; 2)JEO Consulting Group Inc. needs to be contacted to conduct an inventory/traffic study of all stop and traffic signs and remove the signs which are not warranted. Acting Board Chairperson Seggerman stated the board would take it under advisement.

**JD SICKLE MOWER**

One sealed bid was received for the JD Sickel mower in the amount of \$57.00 from Albert Radke. Fintel moved and Seggerman seconded to accept the bid from Albert Radke in the amount of \$57.00 for the JD Sickel mower. Voting aye: Fintel, Seggerman, Slocum, West and Moses. Motion approved.

**LEAH KOTTWITZ, JEO CONSULTING INC.**

Leah reviewed the bids which had been received at the bid opening held on September 6, 2017 for the 2017 Sanitary Sewer and Water System Improvement project (lagoon rehabilitation and water and sewer extension to Casey's Convenience Store). Bids were: Van Kirk Bros. Contracting, Sutton NE \$517,846.13 (Group A- Sewer main improvement to Casey's site \$161,168.08; Group B – Lagoon improvements \$159,293.74; Group C1- Water system improvements, taxable \$168,094.31; Group C2 – Water system improvements, non-taxable \$29,290.00) and Myers Construction Inc. Broken Bow NE \$871,704.08 (Group A-Sewer main improvement to Casey's site \$273,035.36; Group B – Lagoon improvements \$287,599.52; Group C1 – Water system improvements, taxable \$272,537.20; Group C2 – Water system improvements, non-taxable \$38,532.00). Engineers cost estimate for the project was \$720,000. West moved Moses seconded to accept the bid for the 2017 Sanitary Sewer and Water System improvements from Van Kirk Bros. Contracting, Sutton NE in the amount of \$517,846.13 pending USDA-RD Concurrence. Voting aye: West, Moses, Slocum, Fintel and Seggerman.

Motion approved. USDA will fund the permanent financing with up to \$293,000 (\$126,000 loan and \$167,000 grant) towards the Lagoon modifications and \$340,000 (\$196,000 loan and \$144,000 grant) towards the sewer extension to Casey's. Casey's will reimburse the village for the water extension. Ameritas Investment Corp will provide the interim financing for the project. Seggerman moved and Slocum seconded to pass and adopt Resolution #2017-09 authorizing the consideration of objections to the passage of a Resolution of Necessity for proposed 2017 Sanitary Sewer and Water System Improvements for the at the October 10, 2017 meeting. Voting aye: Seggerman, Slocum, West, Fintel and Moses. Motion approved. Resolution #2017-09 passed and adopted. (Note to minutes- state statues provide that only persons owning property abutting any mains to be constructed have the right to object.)

### **RAINE**

Raine discussed the following for her property located at 400 A St. Fairmont NE : 1) Zoning regulations *9.6 Accessory Building* regarding clarification of siding for accessory buildings- Raine has moved in accessory buildings that have corrugated tin siding. Village zoning regulations note not allowing vertical panels, with the intent of the regulations for not allowing corrugated tin; however, the regulations do not specifically state corrugated tin as being prohibited. Other buildings in town which have vertical metal siding are on metal buildings. Raine inquired if the tin can be painted and board stated that would be acceptable; 2) Requested to drill oats on lots as the current area has many weeds-board consensus was to allow oats to be planted; 3) Zoning regulations *9.8.01 Fences,, Walls, Hedges and Trees* - The maximum height for a fence is six feet and Raine would like the fencing higher for her privacy fence-Board will consider request; 4) Requested the village board vacate the unmaintained street located west of her property-Board will consider request. These items will be readdressed at the October 10, 2017 regular meeting.

### **MONTE STOUFFER**

Monte visited with the board regarding fencing the grassed area located west of the property located at 1250 F Street and to allow the fence across an unimproved street running north and south in the middle of the grassed area. Fintel moved and Moses seconded to allow Monte Stouffer to construct a fence over the plotted road which goes through is property located at 1250 F Street. Voting aye: Fintel, Moses, Slocum, West and Seggerman. Motion approved.

### **HENDRICKSEN APPRAISAL**

Board reviewed a proposal from Hendricksen Appraisal in the amount \$3,500 for a commercial appraisal on the building and property located at 211 "D" Street in Fairmont NE. Board will contact other appraisal firms for quotes.

### **CLAIMS**

Seggerman moved and West 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: Moses moved and Slocum seconded to pay the following claims: 34 ELECTRIC-Re\$365.47; AFLAC-Sa\$884.74; AMERITAS-Sa\$1,234.56;ASSURITY-Sa\$28.42;AQUA-CHEM INC.-Su\$23.57;BALL INSURANCE-Se\$1,344; BETTGER FARMS-Misc\$12,000.00; BILL'S REPAIR-Re\$.88;BLACK HILLS-Ut\$271.17;BLUE CROSS/BLUE SHIELD-

Sa\$6,678.10; BURTON-Ut\$185;CASEYS-Ex\$49.09;COMPLETE MERCHANT SERVICE-Se\$27.65;DUTTON LAINSON-Su\$877.92;EAKES-Su. \$414.39;EARL'S WINDOW SERVICE-Ex\$228; EFTPS-Sa\$6,747.29;; FAIRMONT LIGHT & WATER-Ut\$4,357.11; FARMERS COOP-Ex\$730.76;FILLMORE CO. REG. DEEDS-Se\$44;FIRST CONCORD GROUP, INC.-Sa\$430.44; FIRST NATIONAL BANK-Ex.Ma,Re,Se,Su,\$1,718.63;GEHRING CONSTRUCTION-Ex\$600; HEARTLAND BANK-Se\$29.84;JEO CONSULTING GROUP, INC-Se\$1,450; HOMETOWN LEASING-Ex\$115;KOPCHOS-Ut\$50;MADISON NATIONAL LIFE-Sa\$38.34;MOMAR-Su\$868.95; NEBR.PUBLIC HEALTH LAB-Se\$649;NEONLINK-Se\$33;NICK'S FARM STORE-Re\$4.04;NPPD-Ex\$34,323.14; ONE-CALL LOCATES-Se\$18.18;PAYROLL-Sa\$24,011.49; PERENNIAL-Ex\$1,960.50;PIEPER'S INC.-Ex\$750;POLLARD WATER-Eq\$896.84; REFUND UTILITLY DEP.-Misc\$100;SAPP BROTHERS INC-Ex\$41.85;SENDD-Misc\$593;STATE OF NEBR. DEPT. OF REV.-Ex&Sa\$4,095.08;THE NEBR. SIGNAL-Ex\$105.77;U S CELLULAR-Ut\$91.91;U S POST OFFICE-Ex\$201;UTILITIES SECTION LEAGUE OF NEBR. MUN.-Misc\$80;VECTOR STRUCTURAL DESIGN-Se\$650;WAL-MART-Su\$36.30; WINDSTREAM-Ut\$766.64;YORK NEWS TIMES-Se\$157.50; ZITO MEDIA-Ut\$131.55; BOND FUND-Heartland Bank \$21,388.75; Voting aye: Seggerman, West, Slocum, Fintel and Moses. Motion approved.

## **CORRESPONDENCE**

Board reviewed the following correspondence; 1)Southeast Nebr. Dev. Corp (SENDD) quarterly newsletter; 2) Various thank you notes from individuals who were in Fairmont for the Total Solar Eclipse; 3)Flier for the Fillmore Central Homecoming Parade; 4)Fairmont Housing Authority reported their annual Payment in Lieu of Taxes in the amount of \$2,796.81; 5)August 2017 Fairmont Aging Services minutes and financials; 6) Information from Thomas F. McFarland Law Office regarding ABE-Flinthills rail line information.

## **OLD BUSINESS**

### *Swim pool Park Restrooms*

Board reviewed information regarding the Nebraska Engineers and Architects Regulation Act (E & A Act) and if the plans for the swim pool park restroom would be required to have a seal affixed by an architect or professional engineer. As the building is less than 5,000 sq. foot The E & A act does not require the design to have a seal affixed by an architect or professional engineer. General consensus of the board was that while the swim pool park restrooms are not required to have a seal affixed by an architect or professional engineer, it would be in the best interest of the village and to limit the village's liability to have a seal affixed by an architect or professional engineer for the design and this be a requirement for any individual or contractor that would be constructing the restrooms.

## **MARSHAL REPORT**

Marshal Steve McLeish reviewed monthly police report: Items discussed: 1)Reviewed quotes from MPH Industries for speed monitor advisory signs - one monitor for \$5,987 and two monitors would be \$11,490; 2) Structural Condition Appraisal on 95 "D" Street, Fairmont NE. – will readdress the issue after the first of the year pending the Sheriff's Sale; 3) Structure located on south side of "C" Street between 7<sup>th</sup> Ave and 6<sup>th</sup> Ave. – ask Farmers Coop intention to have building repaired or removed; 4) Victoria Verhage visited with the board regarding a neighbor's dog barking- village code states must be a written complaint and Village Marshal has received

written complaint and video clip. The owners of the barking dog will be issued a citation; 5) Slocum moved and Seggerman seconded to convene into executive session at 8:17 p.m. pursuant to Nebr. Rev. State 84-1410 in order to prevent needless injury to the reputation of an individual. Voting aye: Slocum, Seggerman, West, Fintel and Moses. Motion approved. Chairperson Moses restated the reason for the executive session was to prevent the needless injury to the reputation of an individual. Seggerman moved and Fintel seconded to reconvene into open session at 8:25 p.m. Voting aye: Seggerman, Fintel, Slocum, West and Moses. Motion approved.

### **UTILITY SUP. REPORT**

Utility Sup. Lynn West reviewed monthly maintenance report. Items discussed: 1) Light pole installed over swim pool park equipment with an LED light; 2) Recycling trailer – Burton will allow us to use a semi-trailer for recycling- NDEQ Environmental Trust will be contacted on the disposal of old semi-trailer as a grant was used to purchase the trailer; 3) Finish fire hydrant flushing- new diffuser has been received; 4) Weed kill at lagoons; 5) Old south well house in the process of being to be removed.

### **CLERK REPORT**

Linda Carroll, Clerk/Treas. reviewed monthly report. Items discussed: 1) Budget hearing will be Tuesday, September 19, 2017 at 7:00 p.m.; 2) Exchange Agreement property still has a fencing lien filed on the property according to records at the Fillmore County Register of Deeds Office; 3) Agreement between Nebr. Public Power Dist. (NPPD) and the Village of Fairmont for assignment of Public Utility Regulatory Policies (PURPA) requirements. Moses moved and Fintel seconded to enter into an Agreement with NPPD for the PURPA requirements. Voting aye: Moses, Fintel, Slocum, West and Seggerman. Motion approved.

### **PAYMENT ARRANGEMENT**

Moses moved and Fintel seconded to approve Payment Arrangement Form # 295. Voting aye: Moses, Fintel, Slocum, West and Seggerman. Motion approved.

Slocum moved and Moses seconded to approve Payment Arrangement Form #296. Voting aye: Slocum, Moses, West, Fintel and Seggerman. Motion approved.

### **ADJOURNMENT**

West moved and Fintel seconded to adjourn the meeting at 8:50 p.m. Voting aye: West, Fintel, Slocum, Seggerman and Moses. Motion approved

The next Regular Meeting will be Tuesday, October 10, 2017 at 7:00 p.m. (Note: Regular board meetings are scheduled for the second Monday each month; however, Columbus Day is observed on Monday October 9, 2017 so the October regular board meeting will be observed on following business day, Tuesday, October 10, 2017).

DONALD A MOSES Chairperson

LINDA J. CARROLL, CMC  
Clerk/Treas.