

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

Monday July 9, 2018

The Regular meeting of the Fairmont Village Board of Trustees was convened in open and public session on Monday, July 9, 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. Chairperson Donald A. Moses 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 David R. Seggerman and Chairperson Moses. Visitors to the meeting were: Jeff Neiman, Mike Schultes, Chris Grant, Merle Noel, Peter York, Janet Metzger, Larry Klipp, Elizabeth Long, Alan Janzen, Howard Lefler, Elbert Phillips, Ron Isley, Karen Chapman, Tyler Salmon and Dan Slocum. Chairperson Moses noted that a copy of the Open Meetings Act was posted in the council meeting room for public inspection and review. Seggerman moved and Fintel seconded to approve the minutes of the June 11, 2018 board meeting. Voting aye: Seggerman, Fintel, Slocum and Moses. Motion approved. May 31, 2018 Treasurer's Report was placed on file.

PUBLIC FORUM

Elbert Phillips visited with the board on utilizing the ball field for the Redrage baseball team. This team will consist of boys from area towns ages 9 -14. The traveling games will be played on weekends at Fairmont, Aurora, Grand Island, Hasting and York. Elbert stated he will have sponsors to assist with the upkeep of the ball field and requested the village's assistance with some of the ball field maintenance. General consensus of the board was to allow the Redrage Baseball team use of the field, equipment shed and the village maintenance assisting as needed.

MIKE SCHULTES, JEO CONSULTING GROUP INC

Lagoon Wastewater Improvements

Change Order #3

Mike reviewed Change Order #3 for the Lagoon Wastewater Improvements in the amount of a decrease of \$20,223.50 from Van Kirk Brothers Contracting. The decrease is for quantity adjustments. Fintel moved and Seggerman seconded to approve Change Order #3 in the amount of a decrease of \$20,223.50 from Van Kirk Brothers Contracting. Voting aye: Fintel, Seggerman, Slocum and Moses. Motion approved.

Pay application #4 & Final

The board reviewed the Lagoon Wastewater Improvements Pay Application #4 and Final in the amount of \$99,344 from Van Kirk Brothers Contracting. Seggerman moved and Moses seconded to approve Pay Application #4 and Final in amount of \$99,344 from Van Kirk Brothers Contracting, and deduct \$5,000 for items listed on the punch list. Voting aye: Seggerman, Moses, Slocum and Fintel. Motion approved.

Substantial Completion

Mike informed the board the Lagoon Wastewater Improvements Substantial Completion form provides for a one year warranty for this project with Van Kirk Brothers Contracting. Slocum

moved and Fintel seconded to approve the Lagoon Wastewater Improvements Substantial Completion with Van Kirk Brothers Contracting. Voting aye: Slocum, Fintel, Seggerman and Moses. Motion approved.

Chris/Aislee Grant Property

Plans and specifications were reviewed for the 12th Avenue sewer project (Chris/Aislee Grant property) and they have received approval from the Nebr. Dept. of Environmental Quality. Van Kirk Brothers Contracting provided a bid in the amount of \$20,420 and an alternate bid for item #5 on the bid list (concrete man hole, removal of existing manhole) in the amount of \$5,433. The proposed start date is August 1, 2018. Moses moved and Slocum seconded to approve Plans and specifications for the 12th Avenue sewer project and award bid to Van Kirk Brothers Contracting the amount of \$20,420 and an alternate bid for item #5 in the amount of \$5,433 for a total bid of \$25,353. Voting aye: Moses, Slocum, Fintel and Seggerman. Motion approved.

OPEN PUBLIC HEARING

Chairperson Moses opened a public hearing at 7:24 p.m. to receive public comments for a Conditional Use Permit filed by Alan Janzen, Circle Five Feed Yards to expand the current operation an additional 2,500 head of cattle, totaling 8,500 head with a confinement barn on the property described as: Part of the NW ¼ lying south of HWY 6 and all of the SW1/4 of Section 25, Township 8 North, Range 3 West of the 6th P.M. Fillmore County Nebraska. Current Owner: Alan Janzen, Circle Five Feed Yards, Inc. The public hearing remained open as the board meeting continued.

CHRIS & AISLEE GRANT PROPERTY

Ordinance # 18-524 (Vacate portion of 12th Avenue)

Chris and Aislee Grant presented the board with a request to have a portion of 12th Avenue vacated to assist with the expansion of their business at the June 11, 2018 meeting. Seggerman introduced Ordinance #18-524 – AN ORDINANCE TO VACATE A PORTION OF STREET IN THE VILLAGE OF FAIRMONT, NEBRASKA, AS MORE PARTICULARLY DESCRIBED HEREIN (a portion of 12 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) TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE FOR THIS and moved to suspend the readings on three separate days. Fintel seconded the motion. Voting aye: Seggerman, Fintel, Slocum and Moses. Motion approved. Slocum moved and Moses seconded to pass and adopt Ordinance #18-524. Voting aye: Slocum, Moses, Fintel and Seggerman. Motion approved. Ordinance #18-524 passed and adopted.

Ordinance #18-525 (Annexation Ordinance)

Chris and Aislee Grant presented an annexation petition at the June 11, 2018. Moses introduced Annexation Ordinance #18-525 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 and moved to suspend the readings on three separate days. Fintel seconded the motion. Voting aye: Moses, Fintel, Slocum and Seggerman. Motion approved. Fintel moved and Slocum seconded to pass and adopt Ordinance #18-525. Voting aye: Fintel, Slocum, Seggerman and Moses. Motion approved. Ordinance #18-525 approved and adopted.

CLOSE PUBLIC HEARING

Chairperson Moses closed the public hearing at 7:40 p.m. for a Conditional Use Permit filed by Alan Janzen, Circle Five Feed Yards to expand the current operation an additional 2,500 head of cattle, totaling 8,500 head with a confinement barn on the property described as: Part of the NW ¼ lying south of HWY 6 and all of the SW1/4 of Section 25, Township 8 North, Range 3 West of the 6th P.M. Fillmore County Nebraska. Current Owner: Alan Janzen, Circle Five Feed Yards, Inc. There was no one opposing the permit. Fintel moved and Seggerman seconded to approve a

Conditional Use Permit filed by Alan Janzen, Circle Five Feed Yards to expand the current operation an additional 2,500 head of cattle, totaling 8,500 head with a confinement barn on the property described as: Part of the NW ¼ lying south of HWY 6 and all of the SW1/4 of Section 25, Township 8 North, Range 3 West of the 6th P.M. Fillmore County Nebraska. Current Owner: Alan Janzen, Circle Five Feed Yards, Inc. Voting aye: Fintel, Seggerman, Slocum and Moses.
Motion approved.

OPEN PUBLIC HEARING

Chairperson Moses opened a public hearing for a Zoning Change filed by Peter York on the property described as: Original Town lots 307-308 Fairmont NE 68354 (9th Ave. and “D” St.) Current Owner: Peter York; Current Zoning R-1 Residential; Proposed Zoning I-2 Heavy Industrial. The public hearing remained open as the board meeting continued.

JANET METZGER

Janet expressed concern with the board that she viewed a small child getting items out of the trash dumpster at the City Park during Old Setts and that food poisoning could have been an issue. Also concerned with small children wandering around after dark at the park and these items are happening in a small town. Chairperson Moses mentioned that the village does have a 10:00 p.m.

LAGOON MODIFICATION FUNDING

Ordinance #18-526

Board reviewed ordinance for funding Lagoon Modifications. Moses introduced Ordinance 18-526 AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SEWER REVENUE BOND, SERIES 2018, OF THE VILLAGE OF FAIRMONT, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS (\$126,000) FOR THE PURPOSE OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE VILLAGE; PRESCRIBING THE FORM OF SAID BOND; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE SANITARY SEWER PLANT AND SYSTEM OWNED BY THE VILLAGE FOR THE PAYMENT OF SAID BOND; ENTERING INTO A CONTRACT ON BEHALF OF THE VILLAGE WITH THE HOLDER OF SAID BOND; PROVIDING FOR THE SALE OF THE BOND; AUTHORIZING THE DELIVERY OF THE BOND TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM and moved that the reading on three separate days be suspended. Seggerman seconded that motion. Voting aye: Moses, Seggerman, Slocum and Fintel. Motion approved. Fintel moved and Slocum seconded to pass and adopt Ordinance #18-526. Voting aye: Fintel, Slocum, Seggerman and Moses. Motion approved. Ordinance #18-526 approved and adopted.

RON ISLEY

Ron Isley visited with the board regarding: 1)Additional work for Aging Service Coordinator since there has not been a cook at the Senior Center; 2)Aging Service Coordinator does not turn in mileage for getting supplies; 3) Ron would like the village to compensate Aging Service Coordinator for additional work since there has not been a cook; 4) Village board stated to have Aging Service Coordinator get groceries/supplies from services which delivers to the Senior

Center; 5)Aging Service Coordinator should turn in all hours worked; 5)President of the Aging Service Board Karen Chapman was present to answer Village Board questions on the Senior Center.

CLOSE PUBLIC HEARING

Chairperson Moses closed the public hearing at 8:00 p.m. for a Zoning Change filed by Peter York on the property described as: Original Town lots 307-308 Fairmont NE 68354 (9th Ave. and "D" St.) Current Owner: Peter York; Current Zoning R-1 Residential; Proposed Zoning I-2 Heavy Industrial. There was no one opposing the zoning change.

PETER YORK ZONING CHANGE

Seggerman moved and Moses seconded to approve a Zoning Change filed by Peter York on the property described as: Original Town lots 307-308 Fairmont NE 68354 (9th Ave. and "D" St.) Current Owner: Peter York ; Current Zoning R-1 Residential; Proposed Zoning I-2 Heavy Industrial. Voting aye: Seggerman, Moses, Slocum and Fintel. Motion approved.

RESIGNATION OF TRUSTEE SELINA J. WEST

An e-mail was received from Trustee Selina J. West submitting her resignation as a Trustee on the Village Board as she has moved from Fairmont. Fintel moved and Slocum seconded to accept the resignation of Selina J. West from the Fairmont Village Board of Trustees. Voting aye: Fintel, Slocum, Seggerman and Moses. Motion approved. State Statues require the Chairperson to submit a name for consideration by the Board of Trustees within four weeks of the resignation.

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: 34 ELECTRIC-Re\$1,045.45;ACE AGRI SUPPLY-Se\$125; AFLAC-Sa\$914.68; AMERITAS-Sa\$2,678.53;ANGLE, MURPHY & CAMPBELL-Se\$620;AQUA CHEM INC.-Su\$560.30;ASSURITY-Sa\$28.42; BLACK HILLS ENERGY-Ut\$293.92;BLUE CROSS/BLUE SHIELD-Sa\$5,767.53; BURTON ENTERPRISES-UT\$85;CASEY'S GENERAL STORE-Ex\$109.66;COMPLETE MERCHANGE SERVICE-Ex\$74.40;EAKES-Su\$488.94;EPTS-Sa\$7,739;FAIRMONT LIGHT & WATER-Ut\$5,132.31; FARMERS COOP-Ex\$468.19;FIRST CONCORD GROUP-Sa, Se\$488.08; FIRST NATIONAL BANK-Eq,Ex,Ma,Re,Su,\$2,620.60;GENEVA TIRE-Re\$26.50; HEARTLAND BANK-Se\$28.94;HERSH DIGGING-Re\$2,515; HOMETOWN LEASING-Ex\$115; INNOVATIVE CONTRACTING-Re\$1,640; JEO CONSULTING GROUP INC-\$9,142; KOPCHOS-Ut\$54; LAWSON PROD.-Su\$46.43; LEAGUE OF NEBR. MUN.-Misc\$445;MADISON NATIONAL LIFE-Sa\$37.13;MIDWEST SERVICE & SALES CO-Su\$398.70;MUNICIPAL SUPPLY-Su\$10,775.72; NMC-Re\$424.50; NEBR.HEALTH LAB-Se\$15;NEBR. JUDICAL BRANCH-Sa\$531.54; NEBR. PUBLIC POWER DIST-Ex\$35,785.24; ONE-CALL LOCATES-Se\$23.04;PAYROLL-Sa\$29,669.44; PERCISION SIGN & GRAPHICS-Ex\$500; PERENNIAL PUBLIC POWER-Ex\$1,960.50;PIEPER PLUMBING & WELL-Re\$1,009.22;STATE OF NEBR. DEPT. OF REVENUE-Ex &Sa \$4,645.83;THE NEBR. SIGNAL-Se\$416.58; US POST OFFICE-Ex\$201;WAL-MART-Su\$204.93;WANDA

MARGET-Ex\$80.54; WINDSTREAM-Ut\$600.85;VIAERO-Ut\$206.36; ZITO MEDIA-Ut\$132.54;BOND FUND-BOK FINANCIAL-Int. \$1,912.50; Voting aye: Fintel, Slocum, Seggerman and Moses. Motion approved.

CORRESPONDENCE

Board reviewed the following correspondence:

1)Thank you note from Nebr. Rural Water Assn. for donation to equipment fund; 2)Burton Enterprises recycling May 17, 2018 receipt of \$29.40; 3) Fillmore Co. Development Corp (FCDC) quarterly newsletter; 3) Minutes of Fairmont Aging Service June 11,2018 and June 2018 Financial.

OLD BUSINESS

None

MARSHAL REPORT

Village Marshal Tyler Salmon reviewed monthly report and reviewed revised weed abatement ordinance (weeds, grass, worthless vegetation, litter and stagnant water): 1)This ordinance will bring the current weed abatement code up to date with current state statues; 2) Height of weed growth to receive notice has been reduced from 12 inches to 8 inches; 3) Revised abatement process-Marshal will report on properties to be abated at the regular monthly board meeting and upon village board's determination of the property, Marshal Salmon will notice owners by mail, personal service or posting on property.

Ordinance #18-527

Slocum introduced AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE 3 "OFFENSES; WEEDS, LITTLER, STAGNANT WATER"; TO PROVIDE FOR A PENALTY FOR THE VIOLATION THEREOF; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE and moved that the reading on three separate days be suspended. Seggerman seconded the motion. Voting aye: Slocum, Seggerman, Fintel and Seggerman. Motion approved. Seggerman moved and Slocum seconded to pass and adopt Ordinance 18-527. Voting aye: Seggerman, Slocum, Fintel and Moses. Motion approved. Ordinance #18-527 approved and adopted.

UTILITY SUP. REPORT

Acting Utility Superintendent Dan Slocum reviewed monthly maintenance report. Items discussed: 1) Lagoon work; 2) Fix air release valve at lift station; 3) Electric plans/spec for Chris/Aislee Grant property by end of week ; 4) CT at Housing Authority – working with Schmader Electric; 5) Electric pedestals and meters on old trailer court property –these items belong to the owner of the property; 6) Storm clean up- many public individuals assisted; 7) Crowl tree trimming – old trees to be removed; 8) Old Setts; 9) Fix sidewalk at lift station- insurance company requested this be fixed- Ackland has been contacted; 10) Fix floor in men's restroom at ball field.

EXECUTIVE SESSION

Moses moved and Slocum seconded to convene into executive session at 8:40 p.m. pursuant to Neb. Rev. Stat. 84-1410 in order to prevent needless injury to the reputation of an individual. Voting aye: Moses, Slocum, Fintel and Seggerman. Motion approved. Chairperson Moses

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. Moses moved and Seggerman seconded to reconvene into open session at 9:01 p.m. Voting aye: Moses, Seggerman, Slocum and Fintel. Motion approved.

CLERK REPORT

Linda Carroll, Clerk/Treas. reviewed monthly report. Items discussed: 1) Advertisement for maintenance tech; 2) Community Surveys mailed for Strategic Plan; 3) Revised reporting requirements for Tax Increment Financing (TIF) projects; 4) Employee evaluations August 7th; 5) Need a date for 2018-2019 budget workshop; 6) Update on EMC insurance property inspections; 7) Sale of excess village property of W 35' of Lots 468-471, Fairmont Original Town, Fairmont NE (Old south well house property located at 510 5th Ave)-an individual has expressed interest in the property—Village Attorney Campbell will draft documents to authorize the sale by sealed bids for the August 13, 2018 board meeting.

PAYMENT ARRANGEMENT

Fintel moved and Moses seconded to approve Payment Arrangement Form #303. Voting aye: Fintel, Moses, Slocum and Seggerman. Motion approved.

ADJOURNMENT

Slocum moved and Fintel seconded to adjourn the meeting at 9:12 p.m. Voting aye: Slocum, Fintel, Seggerman and Moses. Motion approved.

The next Regular Meeting will be Monday, August 13, 2018 at 7:00 p.m.

DONALD A MOSES Chairperson

LINDA J. CARROLL, CMC
Clerk/Treas.