

ANNUAL ORGANIZATIONAL MEETING OF THE CHAIRPERSON AND BOARD  
OF TRUSTEES OF FAIRMONT NEBRASKA  
MONDAY, DECEMBER 13, 2010

The Annual Organizational Meeting of the Fairmont Village Board of Trustees was convened in open and public session on Monday, December 13, 2010 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. Chairperson David R. Seggerman called the meeting to order. Clerk/Treas. Linda Carroll recorded minutes. Board members present upon roll call were: Dennis R. Melby, William W. Pfenning, Donald A. Moses and Chairperson Seggerman. Absent: Jack D. Slocum. Visitors to the meeting were: Bill Schropfer, Chris Gangstad, Terry Erishman, Matt Kalin, Butch Long, Brian Claycomb, Jeff Skinner, Skip Radke and Gene Fischer. Chairperson Seggerman noted that a copy of the Open Meetings Act was posted on the bulletin board in the council meeting room for public inspection and review. Melby moved and Moses seconded to approve the minutes of the November 8, 2010 and November 24, 2010 board meeting. Voting aye: Melby, Moses, Pfenning and Seggerman. Absent: Slocum. Motion carried. The October 31, 2010 Treasurer's Report was placed on file.

**PUBLIC FORUM**

Trustee Melby thanked board members and village employees for work projects which have been completed during his two terms and the board.

**STORM SEWER IMPROVEMENTS**

Brian Claycomb updated the board on the completion of Phase 1 of the storm sewer improvements. Items discussed: 1)Punch list – Riprap at the end of 8<sup>th</sup> and I and fill bottom of hole which blocks the entrance of pipe located south of 620 7<sup>th</sup> Ave. 2) Discussion of grates; 3) Application for Payment No. 6 & Final from Van Kirk Brothers, Inc. in the amount of \$26,732.75 for 2009 Phase 1 Storm Sewer Improvements. Seggerman moved and Pfenning seconded to approve Application for Payment No. 6 & Final from Van Kirk Brothers, Inc in the amount of \$26,732.75 for 2009 Phase 1 Storm Sewer Improvements. Voting aye: Seggerman, Pfenning, Melby and Moses. Absent: Slocum. Motion carried. 3) Change Order #4 from Van Kirk Brothers, Inc. in the amount of \$6,951.45 for 2009 Phase 1 Storm Sewer Improvements – Melby moved and Moses seconded to approve Change Order #4 from Van Kirk Brothers, Inc. in the amount of \$6,951.45 for 2009 Phase 1 Storm Sewer Improvements. Voting aye: Melby, Moses, Pfenning and Seggerman. Absent: Slocum. Motion carried. 4) Recommendation of Acceptance – Project has a one (1) year warranty from the date of the acceptance. The construction bond for Van Kirk Brothers, Inc. will be held until punch list items are completed. Moses moved and Melby seconded to approve Recommendation of Acceptance for 2009 Phase 1 Storm Sewer Improvements from Van Kirk Brothers, Inc. Voting aye: Moses, Melby, Pfenning and Seggerman. Absent: Slocum. Motion carried.

**BILL SCHROPFER**

Bill reviewed information on a purchase price for all of Lot 1 and the East 66 feet of the West 150 feet of Lots 2 through 10, Block 1; East 66 feet of the West 150 feet of Lots 11

through 16, Block 2; and East 66 feet of the West 150 feet of Lots 17 through 22 Block 3, all property located in the East Addition of Fairmont, Fillmore County, NE. Bill requested to purchase the property at \$2,643.48 which figures to be \$.0386 per sq feet, as this is the amount per sq foot he paid the adjacent property he purchased from Fillmore Western.

Skip Radke spoke in opposition to the sale of the property, stating: 1) If the land was sold, it would deny public access to the west edge of all property owners; 2) People who have owned land next to street should have priority to purchase the property at a fair and reasonable price set by the village; 3) Instead of selling the property the village could divide the property down the middle and then property owners on either side would each receive 33' feet. After discussion by the board, Skip Radke and Bill Schropfer it was decided to contact Village Attorney Charles Campbell. This agenda item was tabled temporarily until the Village Attorney Campbell was available for a phone conference later in the meeting.

#### **CLAIMS -**

Melby moved and Seggerman seconded to pay the following claims: AMERICAN LEGAL PUB.-codes \$650; AMERITAS-retirement \$1,412.94; ASAP APPLICANCE-repairs \$82.50; BLACK HILLS ENERGY-ut. \$726.92; BLUE CROSS/BLUE SHIELD-ins. \$5,140.36; BURTON ENTERPRISES-refuse \$55; DELL MARKETING-equip.. \$244.36; DELLA ROSE-reim. Sup. \$880.78; DIESEL PICKUP SHOP-rep.\$504.96; REFUND UT. \$10.17; DUTTON-LAINSON CO.-sup. \$5,850.20; EAKES OFFICE PROD.-sup. \$25.96; FAIRMONT LIGHT & WATER-ut. \$2,923.25; FAIRVIEW MANOR-sup. \$61.34; FARMERS COOP-fuel \$439.95; FIRST CONCORD GROUP-pretax, admin, ins. \$1,171; FIRST NAT'L BANK-sup. \$49.99; GALL'S INC.-sup \$225.96; GREAT PLAINS ONE-CALL-locates \$13.52; HAWKINS WATER TREATMENT-sup \$1,518.36; HOMETOWN LEASING-lease \$94.94; IRS-payroll w.h. \$2,527.88; KABREDLOS-fuel \$410.57; LINWELD-sup. \$140.53; MOMAR-sup. \$2,341.50; MUNICIPAL SUPPLY INC.-sup. \$193.52; NEBR. PUBLIC POWER DIST.-wholesale power chgs. \$19,057.64; NEBR. DEPT. OF ENVIR. QUALITY-debt service \$7,295.84; NEBR. HEALTH LAB.-lab \$16; NEED COALITION-dues \$71.86; NMPP/MEAN-services \$5,355; OVERLAND READY MIXED CONCRETE-sup. \$1,414.28; PAYROLL-less ded \$11,402.98; PERENNIAL-sub transmission chgs. \$1,683; PITNEY BOWES-sup. \$86.48; PROCESS MEASUREMENT CO.-sup. \$94.89; R & D PARTS-sup. \$72.69; STATE OF NEBR. DEPT. OF REV.-sales tax & payroll w.h. \$2,089.59; THE NEBR. SIGNAL-pub. \$120.52; U S CELLULAR-ut. \$48.09; U S POST OFFICE-postage \$201; VICTORY TOO-sup. \$219.33; WAL-MART-sup. \$171.77; WEST BROTHERS, INC.-sup. \$45.29; WINDSTREAM-ut. \$455.68; YORK WHOLESALE & SUPP.-sup. \$69.03. Voting aye: Melby, Seggerman, Moses and Pfenning. Absent: Slocum. Motion carried.

## **REORGANIZATION**

Elected board members Donald A. Moses and Gene R. Fischer read the Oath of Office. Chairperson Seggerman conducted roll call. Board members present: Gene R. Fischer, Donald A. Moses, William W. Pfenning and Chairperson Seggerman. Absent: Jack D. Slocum.

## **SALE OF PROPERTY**

At this time Village Attorney Charles Campbell was available via speaker phone for further discussion regarding the real estate cited above located in the Fairmont East Addition. Items discussed: 1) Adverse possession law – this does not apply to village, counties or cities, just private citizens; 2) If individual opposed to the sale of the property is interested in placing a bid on all or a portion of the property, then the agenda item should be tabled until another meeting to allow for the individual to place a bid on all or part of the property- Skip Radke stated he was interested in placing a bid on the three 66' lots west of his property; 3) Sale of property by sealed bids or open bid; 4) Sale of land as all one parcel or three separate parcels; 5) Board should set a minimum bid; 6) Seggerman moved and Pfenning seconded to authorize property listed below to be sold to the highest bidder at the next meeting (January 10, 2011) by sealed bids. Sealed Bids must be received prior to 7:00 p.m. to the Village Clerk. Each parcel has a minimum bid of \$.0386 per square foot: Parcel 1: All of Lot One (1) in Block One (1), East Addition to Fairmont, in Fillmore County, Nebraska; and the East Sixty-Six Feet of the West One Hundred Fifty Feet (E66'W150') of Lots Two, Three, Four, Five, Six, Seven, Eight, Nine and Ten (2, 3, 4, 5, 6, 7, 8, 9 and 10) in Block One (1); East Addition to Fairmont, Fillmore County, NE. Total square feet 33,696. Minimum bid \$1,300.67; Parcel 2: The East Sixty-Six Feet of the West One Hundred Fifty Feet (E66' W150') of Lots, Eleven, Twelve, Thirteen, Fourteen, Fifteen and Sixteen (11, 12, 13, 14, 15 and 16) in Block Two (2) East Addition to Fairmont, in Fillmore County, Nebraska. Total square feet 17,424. Minimum bid \$672.57; Parcel 3 - The East Sixty-Six Feet of the West One Hundred Fifty Feet (E66'W150') of Lots Seventeen, Eighteen, Nineteen, Twenty, Twenty-One and Twenty-Two (17,18, 19, 20, 21 and 22) in Block Three (3) East Addition to Fairmont, Fillmore County, NE. Total square feet 17,424. Minimum bid \$672.57. Voting aye: Seggerman, Pfenning, Fischer and Seggerman. Absent: Slocum. Motion carried.

## **Continuation of Reorganization**

Pfenning moved and Fischer seconded the nomination Donald A Moses for Chairperson of the Board. Voting aye: Pfenning, Fischer and Seggerman. Abstain: Moses. Absent: Slocum. Motion carried. Moses moved and Fischer seconded the nomination of David R. Seggerman as Acting Chairperson. Voting: Moses, Fischer and Pfenning. Abstain: Seggerman. Absent: Slocum. Motion carried.

Chairperson Moses made the following appointments within the board: Police – Trustee Seggerman; Maintenance Department -Streets, Alleys & Signs – Trustee Slocum and Chairperson Moses; Village Hall and Utilities (electric, water & sewer) – Trustee

Pfenning; Parks –Trustee Fischer; Board of Health- tabled until February meeting; Fairview Manor Advisory Board Liaison Kathy Burback.

Chairperson Moses nominated the following appointive employees for the village: Village Attorney – Charles Campbell, York NE ; Village Engineers – JEO Consulting Group, Inc., Wahoo NE ; Utility Superintendent – Butch Long; Clerk/Treas. - Linda Carroll; Village Marshal-Steve McLeish. Seggerman moved and Fischer seconded to accept and approve Chairperson Moses appointments. Voting aye: Seggerman, Fischer, Pfenning and Moses. Absent: Slocum. Motion carried.

#### **MATT KALIN, JEO CONSULTING GROUP, INC.**

Matt reviewed the following for electric distribution and rate review: 1) Plans, specifications and bid documents for 2010 Electrical Distribution System Renovations, which would include two alleys north of B Street from 3<sup>rd</sup> Ave to 5<sup>th</sup> Ave and alley north of B Street between 7<sup>th</sup> Ave & 8 Ave. Pfenning moved and Fischer seconded to approve the 2010 Electrical Distribution System Renovations. Voting aye: Pfenning, Fischer, Seggerman and Moses. Absent: Slocum. Motion carried. 2) Bid from Schmader Electric in the amount of \$29,978.05 for the work to be completed – Seggerman moved and Pfenning seconded to award the bid to Schmader Electric in the amount of \$29,978.05 for the 2010 Electrical Distribution System Renovations. Voting aye: Seggerman, Pfenning, Fischer and Moses. Absent: Slocum. Motion carried. 3) Reviewed electric service rates for upcoming fiscal year. General consensus of the board was to have an ordinance for electric rates prepared for the January meeting with an overall 6% increase.

#### **JEFF SKINNER- VERIZON CONTRACTOR**

Jeff Skinner reviewed drawings for a wireless antenna/repeater on top of the village's water tower. Items discussed: 1) Two antennas mounted in a tripod fashion and this would be temporary; 2) Equipment inside water tower, if equipment is outside additional federal regulations would be required which could take between three (3) to six (6) months; 3) Village engineers, JEO Consulting Group, Inc., expressed concern with welding on the water tower and additional maintenance which would be required. 4) Verizon will contact JEO for acceptable plans for an antenna attachment. 5) Will be reviewed again at the January board meeting.

#### **BRAIN CLAYCOMB, JEO CONSULTING GROUP, INC.**

Brian Claycomb visited with the board regarding the village's lagoons receiving gray water (restrooms, cooling tower, blow down water) from Bioiberica. The processing wastewater would continue to go to Hasting as Geneva's wastewater plant is at the maximum for their system and this would be temporary until Geneva has their sewer improvements completed. Brian will visit with Bioiberica and see if they would be interested in an agreement with the village.

#### **CORRESPONDENCE**

Board reviewed: 1) September 30, 2010 financials for Fairview Manor; 2) Information on Fillmore County Planning Commission regarding October 2010 and November 2010

meeting from Mark Morgan, Fairmont's representative; 3) Letter from JEO Consulting Group, Inc. regarding appointment of JEO as the village's engineer for 2011; 4) Zito Media regarding purchasing Galaxy Cable communication system.

### **MARSHAL REPORT**

Village Marshal Steve McLeish reviewed his monthly report. Items discussed: 1) Building Inspector John Hughes has been out to conduct an inspection of the buildings located at 535 5<sup>th</sup> Ave and 545 5<sup>th</sup> Ave;

### **UTILITY SUP. REPORT**

Butch Long Ut. Sup. reviewed monthly maintenance report. Items discussed: 1) Visited with Stan Tatro regarding removal of buildings at 535 5<sup>th</sup> Ave and 545 5<sup>th</sup> Ave felt the street needs to be block off until buildings are removed; 2) Substation relocation- Perennial and Dave Peterson, JEO Consulting Group, are looking at various properties for the new substation;

### **CLERK REPORT**

Linda Carroll, Clerk/Treas. reviewed monthly report. Items discussed: 1) Lab top computers for board meeting. Dell pricing would be \$500 -600 per unit with governmental discount. – Moses moved and Seggerman seconded to purchase lab top computers from Dell and have Computer Depot in Geneva assist with the set up. Voting aye: Moses, Seggerman, Fischer and Pfenning. Absent: Slocum. Motion carried.

### **PAYMENT ARRANGEMENT FORMS**

Fischer moved and Pfenning seconded to approve Payment Arrangement Form #189. Voting aye: Fischer, Pfenning, Seggerman and Moses. Absent: Slocum. Motion carried.

Pfenning moved and Seggerman seconded to approve Payment Arrangement Form #190. Voting aye: Pfenning, Seggerman, Fischer and Moses. Absent: Slocum. Motion carried.

### **ADJOURNMENT**

Fischer moved and Pfenning seconded to adjourn the meeting at 10:25 p.m. Voting aye: Fischer, Pfenning, Seggerman and Moses. Absent: Slocum. Motion carried.

The next Regular Meeting will be Monday, January 10, 2011 at 7:00 p.m.

DONALD A MOSES, Chairperson

LINDA J. CARROLL, CMC  
Clerk/Treas.