

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

MONDAY, SEPTEMBER 14, 2009

The Regular Meeting of the Chairperson and Board of Trustees was convened in open and public session at 7:00 p.m. on Monday, September 14, 2009 at the Fairmont Village Hall, 635 6th Ave, Fairmont NE. Notice was given in advance according to proper notification and publication. Chairperson Dennis R. Melby called the meeting to order. Clerk Linda Carroll recorded the minutes. Board members present upon roll call were: William W. Pfenning, Donald A. Moses, Jack R. Slocum, David R. Seggerman and Chairperson Melby. Chairperson Melby 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. Clerk Carroll recorded the minutes. Visitors to the meeting were: Steve McLeish, Butch Long, Skip Radke, Stan Nichols, Kevin Kruse, Tylor Bottorff, Tami Scheil, and Delores Roesti. Slocum moved and Moses seconded to approve the minutes from the August 10, 2009 regular board meeting and August 31, 2009 special board meeting. Voting aye: Slocum, Moses, Pfenning, Seggerman and Melby. Motion carried. July 31, 2009 Treasurer's report was placed on file.

KEVIN KRUSE, JEO CONSULTING GROUP, INC.

Kevin reviewed and discussed the following with the board: 1) Storm sewer plans as discussed at the August 31, 2009 meeting; 2) Timing of the Community Development Block Grant program and NRD (Upper Big NRD) funding and the two phases. General consensus was to do the project in phases and continue to progress with the project irregardless of CDBG funding. 3) Salvage pipe will become property of the village if it so decides; 4) Seeding for the project instead of sodding; 5) JEO will have final plans and specifications for doing the storm sewer plans in two phases (1st phase- 3rd & I street ditch and north of tracks for C and B Street; 2nd phase-main drainage area) . Each phase plan and specification will be approximately \$400,000.

TYLOR BOTTORFF, JEO CONSULTING, INC.

Tylor Bottorff reviewed costs for improvement on F St. from 9th Ave to railroad tracks (south of school). Items discussed 1) Cost of 7" concrete for street could vary from approximately \$95,000 - \$103,923 ; 2) Reviewed bids from Burtons (\$27,961.60) and Patch Master (\$29,592) to fix holes and do a 2 ½ " overlay asphalt; 3) Skip Radke reviewed a cadastral photo of the area and felt the board should consider curbing part of the street and only going one block and not to the railroad tracks; 4) School is considering asphaltting the north side parking area to assist with the project; 5) Concern expressed about compaction of soil under the holes to be patched and timeframe of work to be completed; 6) Butch will inquire about warranties on asphalt work and follow up with board members.

DELORES ROESTI- SPECIAL USE PERMIT

Delores Roesti requested the board consider her request for six chickens to be kept at her property located as 1250 F St. Current zoning regulations do not allow this without a Special Use Permit. Delores stated she has contacted all but one neighbor regarding the chickens and no one was opposed. Delores will contact the Zoning Administrator to begin the Special Use Permit process.

TAMI SCHEIL – FAIRVIEW MANOR

Tami reviewed bids for the renovations at Fairview Manor. Items discussed: 1) JLC, Inc. York NE was the lower bidder at approximately \$466,460; 2) Engineering estimates

ranged from \$550,000 - \$600,000; 3) Board was concerned that a penalty clause be included in the construction contract; 4) Bond issue timing and signing of award of bid date; 5) Advice on was to add a 10% contingency on bond because adding onto an existing building and furnishings for the addition bring the bond total to \$540,000; 6) Tami will report back at the Special Meeting scheduled for August 28, 2009.

BUDGET

A public hearing was convened in open and public session at 8:40 p.m.

The board reviewed the budget document, lid form and tax levy information. No public comments were received. Public hearing was closed at 8:45 p.m.

Seggerman moved and Melby seconded to approve an additional 1% increase in the total 2008-2009 Funds Subject to Limitation. Voting aye: Seggerman, Melby, Pfenning, Moses and Slocum. Motion carried.

Melby introduced ORDINANCE #09-469 AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE. Seggerman moved and Melby seconded to suspend the statutory rule requiring the ordinance be read on three different days so Ordinance #09-469 might be introduced, read by title and then moved for final passage on the same day, without the same being read in full. Voting aye: Seggerman, Melby, Pfenning, Moses and Slocum. Motion carried. Melby moved and Slocum seconded to pass and adopt Ordinance #09-469. Voting aye: Melby, Slocum, Pfenning, Moses and Seggerman. Motion carried. Ordinance #09-469 passed and adopted.

Levy for the 2009-2010 fiscal year will be set at the August 28, 2009 special meeting.

CLAIMS

Moses moved and Seggerman seconded to pay the following claims: AMERITAS-retirement \$1,401.96; BILL'S REP.-ut. \$179.54; BLACK HILLS ENERGY-ut.\$265.68; BLUE CROSS/BLUE SHIELD-ins. \$4,759.59; BURTON ENT.-refuse \$55; DELLA ROSE-reim. sup. \$501.76; DUTTON-LAINSON CO.-supp. \$258.60; EAKES OFFICE PROD.-sup. \$42.57; ERDKAMP-EKELER-reim. exp. \$1,633.41; FAIRMONT LIGHT & WATER-ut. \$3,551.84; FAIRMONT TOWNSHIP-reim. rr closure \$2,500; FAIRMONT VOL. FIRE DEPT.-reim fees \$500; FAMILY MARKET-sup. \$462.77; FARMERS COOP-fuel \$1,532.40; FARMERS STATE BANK-payroll w.h. tax \$3,236.94; FIRST CONCORD GROUP, INC.-ins., pretax & admin. \$795.71; GAMBLES-sup. \$6.49; GREAT PLAINS-locates \$5.05; HAWKINS-sup. \$1,273.97; HEIN CONSTRUCTION-armor coating \$12,932; HOLLY DAVENPORT-contract labor \$61.63; JEO-engineering \$20,829.50; CAROL PFENNING-contract lab. \$14.50; KABREDLOS fuel \$268.26; KRISTI KELCH-contract lab. \$50.75; KRIZ-DAVIS CO.-sup. \$279.81; MUNICIPAL SUPPLY INC-sup. \$524.09; NEBR. MUN. CLERKS ASSN.-dues \$15; NEBR. PUBLIC POWER DIST.-wholesale power chgs. \$29,480.79; NEBR. HEALTH LAB.-lab analysis \$16; OVERLAND READY-MIXED CONCRETE-sup. \$206.19; PAYROLL-less ded \$15,824.50; PIEPERS, INC.-water ru building \$8,956; PURCHASE POWER-postage \$206.35; RALPH'S GENEVA TIRE-rep. \$39.88; SARGENT DRILLING-rep. \$563.84; STATE OF NEBR. DEPT. OF REV.-sales tax & payroll .wh. \$2,935.21; THE NEBR. SIGNAL-pub. \$114.63; U S CELL.ut. \$56.11; WAL-MART sup. \$58.08; WEST BROTHERS, INC.-sup. \$92.14; WINDSTREAM-ut. \$596.84; YORK WHOLESALE & SUPPLY-sup. \$145.25. Voting aye: Moses, Seggerman, Pfenning, Slocum and Melby. Motion carried.

CORRESPONDENCE

Board reviewed the following correspondence: 1) Memo from League of Nebr. Mun. regarding changes in the Open Meetings Law; 2) Information on Fillmore County Planning Commission regarding July & Aug 2009 meeting from Mark Morgan, Fairmont's representative; 3) Reviewed letter from the Board and Fire Department requesting funds from Mary Tous Foundation; 4) July 30, 2009 Fairview Manor Financial Statement.

OLD BUSINESS

Deposit Waiver Ordinance

An ordinance which would disqualify renters for a utility deposit waiver was reviewed. Renters would only be allowed a utility deposit waiver if a landlord would approve a waiver. Landlord would still be liable for any outstanding bill left by a renter. Melby introduced ORDINANCE #09-470, AN ORDINANCE OF THE VILLAGE OF FAIRMONT, NEBRASKA TO AMEND CHAPTER 3, ARTICLE 3 "ELECTRICAL SYSTEMS" RELATING TO THE REQUIREMENT OF A METER DEPOSIT; TO AUTHORIZE A WAIVER OF THE DEPOSIT AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE. Pfenning moved and Slocum seconded to suspend the statutory rule requiring the ordinance be read on three different days so Ordinance #09-470 might be introduced, read by title and then moved for final passage on the same day, without the same being read in full. Voting aye: Pfenning, Slocum, Moses, Seggerman and Melby. Motion carried. Moses moved and Seggerman seconded to pass and adopt Ordinance #09-470. Voting aye: Moses, Seggerman, Pfenning, Slocum and Melby. Motion carried. Ordinance #09-470 passed and adopted.

Cell phone for Utility Superintendent

Discussion was held on reimbursing the Utility Sup. for cell phone usage or obtaining a cell phone for the Superintendent's use. Village Marshal will check on the village's cell phone plan with U.S. Cellular about adding a second cell phone.

Garbage Hauling Contracts/Mandatory Garbage Pickup

Trustee Slocum requested the board revisit a mandatory garbage contracts because of the damage to streets and alleys because of the number of garbage trucks going up and down streets and alleys. General consensus of the board was to revisit the issue as the street and storm sewer project progress.

VILLAGE MARSHAL

Village Marshal Steve McLeish reviewed monthly report. Items discussed: 1) Recertified on fire-arms; 2) Reviewed information on state law requiring all cities and villages advise the State of Nebraska regarding the animal control facility/veterinary clinic used to perform holding services for the political subdivision to ensure the facility is licensed and inspected by the State. Village currently uses Adopt- A- Pet in York and Steve has contacted Adopt-A-Pet and was informed they are considering an annual charge to use their facility because of the new regulations. Marshal McLeish has a concern regarding vicious dogs which he might pick up and will contact Adopt-A-Pet on this issue; 3) Direct Seller Ordinance and Non-Resident Sales Registration reviewed; 4) Had received information from Health & Human Services regarding a property in Fairmont which he has received complaints.

UTILITY SUP. REPORT

Utility Sup. Butch Long reviewed monthly report. Items discussed: 1)Sargent Drilling worked on well #931 and installed a motor saver; 2)Windstream replaced pole; 3)Armor coating of streets completed; 4)Reviewed bids for village hall steps from West Brothers, Inc. for \$2,170 and Husker Enterprises \$3,129 –Pfenning moved and Slocum seconded to approve the Bid from West Brothers, Inc. in the amount of \$2,170 to replace steps and hand rails at Village Hall. Voting aye: Pfenning, Slocum, Moses, Seggerman and Melby. Motion carried.; 5)Repairs to bucket truck-did not pass dielectric test-repairs could be more than value of truck -general consensus of the board was to research getting a different bucket truck; 6) Board reviewed process for renewal of the lease/purchase skid loader program offered by Caterpillar and NMC. Seggerman moved and Melby seconded to pass and adopt RESOLUTION #2009-11 Authorizing lease/purchase from Caterpillar Financial and authorize the Chairperson and Clerk to sign the necessary documents for the lease. Voting aye: Seggerman, Melby, Pfenning, Moses and Slocum. Motion carried. Resolution #2009-11 passed and adopted. ; 7)Pool drained-will need to be painted; 8)Sidewalk should be completed in front of rescue unit building

CLERKS REPORT

Clerk Linda Carroll reviewed monthly report. Items discussed: 1)Norene Fitzgerald, Community Development Specialist from Southeast Nebr. Dev. Dist (SEND) has been unable to meet with Dept. of Economic Dev. staff to review a proposed Community Attitude Survey; 2)Special meeting scheduled for Monday, August 28, 2009 to set levy for 2009-2010 fiscal year and consider passage of bond for the fire truck-tanker; 3) Reviewed resolution for sale of an old safe which has been in the back room at village hall. Melby moved and Pfenning seconded to pass RESOLUTION #2009-12 authorizing the sale of a Cary Safe 30 ¼” x 24” x 44 ½” with a broken off wheel by sealed bids at the October 13, 2009 board meeting. Voting aye: Melby, Pfenning, Moses, Slocum and Seggerman. Motion carried. Resolution #2009-12 passed and adopted.

PAYMENT ARRANGEMENT FORM

Melby moved and Seggerman seconded to approve Payment Arrangement Form #172. Voting aye: Melby, Seggerman, Pfenning, Moses and Slocum. Motion carried.

ADJOURNMENT

Melby moved and Pfenning seconded to adjourn the meeting at 10:14 p.m. Voting aye: Melby, Pfenning, Moses, Slocum and Seggerman. Motion carried.

Next regular meeting will be TUESDAY, October 13, 2009 (Monday, October 12, 2009 is a legal holiday, so the board meeting is scheduled for the next business day) at 7:00 p.m. at the Fairmont Village Hall, 635 6th Ave, Fairmont NE.

DENNIS R. MELBY, CHAIRPERSON

LINDA J. CARROLL, CMC
CLERK/TREAS.