

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

MONDAY, SEPTEMBER 12, 2011

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 12, 2011 at the Fairmont Village Hall, 635 6th Ave, Fairmont NE. Notice was given in advance according to proper notification. Chairperson Donald A. Moses called the meeting to order. Minutes were recorded. Clerk Carroll arrived at the meeting at 9:00 p.m. Board members present upon roll call were: Gene R. Fischer, William W. Pfenning, Jack R. Slocum, David R. Seggerman and Chairperson Moses. Chairperson Moses 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. Visitors to the meeting were: Dennis Melby, Robert Hester, Lindsey Komenda, Richard Braden, Bill Schropfer, Tami Scheil, Steve McLeish, Butch Long, Skip Radke and Donna Mainwaring., Seggerman moved and Slocum seconded to approve the minutes of the August 8, 2011 regular board meeting and August 22, 2011 and August 29, 2011 special board meetings. Voting aye: Seggerman, Slocum, Fischer, Pfenning and Moses. Motion carried. July 31, 2011 Treasurer's report was placed on file.

PUBLIC FORUM

Bob Hester updated the board on his building. Bob stated his permit has been denied by the zoning administrator and presented the board with a written listing outlining discrepancies in the zoning regulations and reasoning why a variance should be granted for erecting his building (this listing is on file at the village office for public inspection and review). Donna Mainwaring, Fillmore County Zoning Administrator, discussed the following with the board: 1) One more item to check on before officially denying the permit, but it appeared that the building did not meet the setback requirements. Zoning requirements mandate a 25' front yard setback and the current home is non-conforming, but grandfathered in with a 21'6" setback; 2) The proposed building would have a 20' setback, which zoning regulation do not allow and permit would need to be denied for that reason; 3) She has two applications wanting to build in setback area and another individual in Fairmont has inquired about building in setback area; 4) Warned that once the board has allowed one individual to build in the setback, then the board would have set a precedent of allowing buildings in the setback requirements. Once a board has granted a variance, the board would lose its legal standing to deny future variances; 5) New zoning regulations are being compiled and at that time the board could amend them to work better for the village; 6) Donna stated that if the building is lined up with the house, then she could state the reason for approving the permit, that although it does not meet the setback requirements, it is going by conformity in lining the building up with the house--The current permit which was presented to her did not indicate this; 7) If Bob was in agreement with lining up the building with the front of the house, a new permit would not be required, just an amendment would be needed for the current permit.

Bob wished to address the board on undue hardships. 1) Reviewed dictionary definition of a hardship and his opinion is that he is being deprived of something; 2) He has items/vehicles which, because he does not have his building in Fairmont, he is being deprived of keeping garaged or being able to work on because they are in storage in another community; 3) He is being deprived of property he owns.

Dennis Melby stated he had property in York and he was able to build on since he was in line with the other properties. Dennis encouraged the board to allow individuals to build and be flexible with regulations.

LINDSEY KOMENDA, FAIRMONT COMMUNITY CLUB

Lindsey Komenda updated the board regarding recycling: 1)The grant approval was received for a six bin recycling trailer, however \$1,500 is needed to match. Since that time Lindsey has been contacted regarding purchasing a refurbished trailer for a lesser amount and the match would only be \$500; 2) The community club will raise funds for the match; 3) Requesting place to park recycling bin trailer and would like to keep existing semi-trailer for collection cardboard; 4)Burton Enterprises will take recycling bin trailer and empty it; 5) Current recycling committee has been contacted and once new recycling bin trailer is in place will met with current committee; 6) Butch Long inquired about the Community Club taking over the flags as it was set up by the Chamber. Community Club will discuss flags at their next meeting.

RICHARD BRADEN

Richard Braden visited with the board on his property located south of “B” Street. Items discussed between Richard and the board: 1) Trees having grown in the street right of way and Richard would like village maintenance personnel to assist him with clearing the trees from the property; 2) Richard stated he would cut the trees down if the village maintenance personnel could remove them; 3) Utility Sup. Butch Long stated there are some trees on the west side in the power lines that the village could assist with; 4)Village code book indicates that trees in the street right of way are the property owners responsibility; 5)Richard would like to burn some of the trees; 6)Richard expressed concern with condition of the house, trees and weeds growing the area located north of his property; 7)Board members will look at trees and make a determination.

BILL SCHROPFER

Board reviewed Redevelopment Contract for Tax Increment Financing for Bill Schropfer’s new shop building. Fischer moved and Seggerman seconded to recommend approval of the Redevelopment Contract for Tax Increment Financing for William Schropfer on the East 66 feet of the West 150 feet of Lots, 2,3,4,5,6,7,8,9 and 10, Block 1, East Addition to the Village of Fairmont, Fillmore County, Nebraska to the Fillmore County Planning Commission and set the hearing date for the village board to consider approval of the Redevelopment Contract at November 14, 2011 meeting. Voting aye: Fischer, Seggerman, Pfenning, Slocum and Moses. Motion carried.

TAMI SCHEIL, FAIRVIEW MANOR ADMIN.

Tami Scheil, Fairview Manor Administrator, reviewed information with the board regarding adding onto the existing assisted living addition. Items discussed: 1)The addition would be for six one bedroom units; 2)Depending on the layout of the design, may take a small portion of the existing parking lot; 3)Reviewed financial information for proposed project; 4)Construction costs are around \$120 - \$140/sq. foot; 5)Ameritas was contacted on bonding and current rates are 3% - 4% on revenue bonds; 6)Accountant stated good time to build as construction costs and interest rates are low; 7)Reviewed depreciated costs; 8) Staffing requirements; 9)Current assisted living facilities in neighboring communities have waiting lists; 10)Census (occupancy) numbers have remained steady. Fischer moved and Moses seconded to authorize Tami Scheil, Fairview Manor Administrator to begin process of securing funding for six additional assisted living units. Voting aye: Fischer, Moses, Pfenning, Slocum and Seggerman. Motion carried.

DONNA MAINWARING, FILLMORE CO. ZONING ADMIN.

Donna Mainwaring, Fillmore County Zoning Administrator, reviewed the following with the board: 1) Fairmont's corporate limit map; 2) Zoning jurisdiction around O'Malley and Advanced Bioenergy Ethanol (ABE); 3) In updating zoning regulations maps are being updated and in the process are considering having a squared zoning jurisdiction rather than the circular boundary for jurisdiction- squared zoning jurisdictions simplifies zoning issues; 4) Annexation ordinances for O'Malley and ABE would indicate if the one mile zoning jurisdiction was allowed; 5) County road located south of 6th Ave which is outside of corporate limits on 6th Ave needs to be named-general consensus of the board was to have it named South 6th Ave; 6) Board reviewed legal definitions from Village Attorney regarding hardship; 7) Reviewed procedures and forms for variances; 8) Comprehensive plan will also be changed with new zoning regulations-new zoning regulations need to be enacted that work for each community-each community has different needs.

SCHMADER ELECTRIC

Board reviewed final payment application from Schmader Electric and the Recommendation of Acceptance for the 2010 Electrical Distribution System Renovations. Slocum moved and Pfenning seconded to approve Application for Payment No. #1 (final) from Schmader Electric for 2010 Electrical Distribution System Renovations in the amount of \$29,978.05. Voting aye: Slocum, Pfenning, Fischer, Seggerman and Moses. Motion carried. Seggerman moved and Slocum seconded to accept the Recommendation of Acceptance from Schmader Electric for 2010 Electrical Distribution System Renovations. Voting: Seggerman, Slocum, Fischer, Pfenning and Moses. Motion carried.

SKIP RADKE

Skip Radke expressed concern about a sight visibility on the corner of 11th Ave. & F St. by the corn that is growing. Trustee Pfenning has visited with the property owner and next year soybeans will be planted at that location.

CLAIMS

Fischer moved and Pfenning seconded to pay the following claims: Gen Fund – AMERITAS-retirement \$1,513.83; BILL'S REP. –rep. \$34.68; BLACK HILLS ENERGY-ut. \$288.62; BLUE CROSS/BLUE SHIELD-ins. \$5,440.52; BURTON ENTERPRISES-refuse \$55; CASEY'S GENERAL STORE-fuel \$576.10; CASH-WAY CANDY CO.-sup. \$160.52; DELLA ROSE-sup. \$720.08; DIESEL PICKUP SHOP-rep. \$98.38; DUTTON-LAINSON CO.-sup. \$672.42; ERDKAMP-EKELER-construction \$10,801.90; FAIRMONT LIGHT & WATER-ut. \$3,852.29; FAMILY MARKET-sup. \$418.97; FARMERS COOP-fuel \$829.12; FIRST CONCORD GROUP INC.-pre-tax, ins. & admin. \$911; FNB OMAHA-rep. \$523.15; GENEVA WELDING & SUPPLY-rep. \$22; GREAT PLAINS ONE-CALL-locates \$14.56; HEIMAN INC.-sup. \$2,126; HOMETOWN LEASING-lease \$94.94; IRS-payroll w.h. \$4,983.50; JEO-engineering \$6,126; JOHN DEERE FINANCIAL-rep. \$683.90; JOHN KOHL AUTO CENTER-rep. \$149.67; KRIZ DAVIS CO.-sup. \$646.87; LEAGUE OF NEBR. MUN.-dues \$1,843; LEAGUE OF NEBR. MUN. UTILITIES SEC.-dues \$358; MARC-sup. \$2,271; MARY SEGGERMAN-sup. \$26.62; MATT PARROTT-sup. \$353.03; MIDLAND TELECOM-sup. \$281; MOGUL'S TRANSMISSION-ut \$712.41; MOMAR-sup. \$6,686.22; NEBR. PUBLIC POWER DIST.-wholesale power charges \$36,689.90; NEBR. DEPT. OF REV.-sales tax, payroll tax & recycling fee \$2,737.37; NEBR. PUBLIC HEALTH ENVIR. LAB-lab analysis \$750; NEED COALITION-dues \$107.79; NICK'S FARM STORE-rep. \$21.12; OVERLAND READY MIX-gravel \$302.50; PAYROLL-less deductions \$19,596.86; PERENNIAL-sub transmission chgs \$1,805.76; PLATTE VALLEY COMM.-sup. \$1,638.50; R & D PARTS-sup. \$156.16; RALPH'S GENEVA TIRE-sup.

\$290.70; THE NEBR. SIGNAL-pub. \$96.94; U S CELLULAR-ut. \$47.90; US POST OFFICE-postage \$201 WAL-MART-sup.\$9.71; WEST BROTHERS, INC.-sup. \$261.92; WINDSTREAM-ut. \$590.44. Voting aye: Fischer, Pfenning, Slocum, Seggerman and Moses. Motion carried.

CORRESPONDENCE

Board reviewed the following correspondence: 1)Wireless Broadband for All Fact Sheet; 2) Fairview Manor June financials; 3)In-Lieu of payment (PILOT) from Fairmont Housing Authority placed in escrow fund.

OLD BUSINESS

There was no old business

VILLAGE MARSHAL

Marshal Steve McLeish reviewed monthly report. Items discussed: 1)Reviewed two bids for removal of the buildings at 535 5th Ave and 545 5th Ave- Wyad Utility Contractors \$20,000 and Stan's Recycling & Salvage \$22,000. 2) Removal of house at 715 7th Ave- Wyad Utility Contractors \$7,500; 3) Slocum moved and Seggerman seconded to pass and adopt Resolution #2011-09 to authorize the Village Marshal to begin demolition of the building for abatement of the nuisance at 535 5th Ave, Fairmont NE. Voting aye: Slocum, Seggerman, Fischer, Pfenning and Moses. Motion carried. Resolution #2011-09 passed and adopted. 4)Moses moved and Slocum seconded to pass and adopt Resolution #2011-10 to authorize the Village Marshal to being demolition of the building for abatement of the nuisance at 545 5th Ave., Fairmont NE. Voting aye: Moses, Slocum, Fischer, Pfenning and Seggerman. Motion carried. 5) Reviewed proposal for security cameras – will contact Mary Tous Foundation for funds to assist with the funding for the cameras; 6) Speed limit for trucks that are coming into town from the airbase.

UTILITY SUP. REPORT

Utility Sup. Butch Long reviewed monthly report. Items discussed: 1)Sewer jetting town for the culverts about ¼ of town is completed; 2) DEQ inspection; 3)Swim pool cleaning for year end-once pool has been drained, flood lights in pool are left on for safety reason; 4) Lights at tennis court-timer malfunctions; 5)The drag has been being used for street maintenance for fuel savings and maintainer used fall or spring for cutting streets; 6)CDL-what type would be needed for village equipment; 7)Verizon engineer inquired about lead based paints-MDS information has been forwarded to Verizon-information to contact public service commission will be put in the What's Happening to encourage residents to call on improvements needed to cell phone service in Fairmont; 8)Mosquito fogging has been continuing at two nights a week.

CLERKS REPORT

Clerk Linda Carroll reviewed monthly report. Items discussed: 1)Budget meeting and review of storm sewer improvements scheduled for Sept. 19; 2) Public educational meeting for hard surface improvements to be scheduled for late October early November; 3)Tax Increment Financing projects in Fairmont; 4) Funds are still available for Fairmont's housing rehab program; 5)Board reviewed correspondence from Fillmore County Treasurer regarding refunding of taxes based on Black Hills appeal of their 2009 certified taxable value. Moses moved and Slocum seconded to refund \$1,271.30 to Black Hills Nebraska Gas for 2009 tax value and instruct the Fillmore County Treasurer to deduct the refund from monthly village tax receipts. Voting aye: Moses, Slocum, Fischer, Pfenning and Seggerman. Motion carried.

PAYMENT ARRANGEMENT FORM

Pfenning moved and Seggerman seconded to approve Payment Arrangement Form #205.

Voting aye: Pfenning, Seggerman, Fischer and Slocum. Voting no: Moses. Motion carried.

Slocum moved and Moses seconded to approve Payment Arrangement Form #206.

Voting aye: Slocum, Moses, Fischer, Pfenning and Seggerman. Motion carried.

Pfenning moved and Slocum seconded to approve Payment Arrangement Form #207.

Voting aye: Pfenning, Slocum, Fischer, Seggerman and Moses. Motion carried.

ADJOURNMENT

Moses moved and Slocum seconded to adjourn the meeting at 10:01 p.m. Voting aye:

Moses, Slocum, Fischer, Pfenning and Seggerman. Motion carried.

Next regular meeting will be TUESDAY, October 11, 2011 (Monday, October 10, 2011 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.

DONALD A MOSES, CHAIRPERSON

LINDA J. CARROLL, CMC
CLERK/TREAS.