

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

Monday, May 11, 2009

The Regular Meeting of the Chairperson and Board of Trustees for the Village of Fairmont was convened in open and public session on Monday, May 11, 2009 at 7:00 p.m. at the Fairmont Village Hall, 635 6<sup>th</sup> Ave, Fairmont NE. Notice of the meeting was given in advance according to proper notification. Chairperson Dennis R. Melby called the meeting to order. Clerk Linda J. Carroll recorded 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. Visitors to the meeting: Elliot Long (Elliot will be attending Boys State and it was suggested he attend a board meeting to observe parliamentary procedures), Bill Abts, Bonnie Moses, Butch Long and Steve McLeish. Melby moved and Moses seconded to approve the minutes of the April 13, 2009 board meeting. Voting aye: Melby, Moses, Pfenning, Slocum and Seggerman. Motion carried. March 31, 2009 Treasurer's Report was reviewed and placed on file.

**BILL ABTS, AMERITAS INVESTMENT CORP**

Bill Abts, Vice President, Ameritas Investment Corp. reviewed the procedural process for the for the proposed Resolution #2009-05 setting a hearing date for the Resolution of Necessary for the construction of the storm sewer project. Bill stated storm sewer improvements are not going to be assessed to individual property owners, and only persons who would be subject to special assessments have any real authority to file written objections. However, the hearing must be conducted in order to meet statutory requirements before bonding for the project can be enacted. Seggerman moved and Pfenning seconded that the Resolution #2009-05 be proposed and that notice thereof be posted as required by law. Voting aye: Seggerman, Pfenning, Moses, Slocum and Melby. Motion carried. Melby moved and Slocum seconded to pass and adopt RESOLUTION #2009-05 setting the date for considering objections of Storm Water Sewer District No. 2009-1 for June 8, 2009 at 7:00 p.m. Voting aye: Melby, Slocum, Pfenning, Moses and Seggerman. Motion carried.

**CLAIMS**

Melby moved and Moses seconded to pay the following claims: ACCO-rep. \$1,045.45; AMERTIAS-retirement \$1,248.88; BILL'S REPAIR – rep. \$204.40; BLACK HILLS ENERGY-ut. \$1,478.20; BLUE CROSS BLUE SHIELD-ins. \$4,057.28; BOND HOLDERS-semi-annual int. on water bonds \$2,645; BURTON ENT. –refuse \$55.00; CENTURY LUMBER-sup. \$3.29; DELLA ROSE-reim. sup. \$454.89; DHHS- reg. \$200; DUTTON-LAINSON-sup. \$66.15; EAKES OFFICE-sup. \$2,081.96; FAIRMONT LIGHT & WATER-ut. \$2,336.43; FAIRVIEW MANOR-sup. \$44.70; FAMILY MARKET-sup. \$391.88; FARMERS COOP-fuel \$1,089.69; FARMERS STATE BANK-payroll w.h. \$2,486.85; FIRST CONCORD GROUP-ins., admin & pretax \$796.71; FIRST NATIONAL BANK OMAHA-sup. \$387.84; GREAT PLAINS ONE-CALL-locates \$53.53; HAWKINS WATER TREATMENT-sup. \$617.67; HEIMAN, INC-sup. \$790.03; JEO-engineering \$2,120; KABREDLOS INC.-fuel \$94.44; KRIZ-DAVIS-sup. \$23.23; LAMOTTE COMPANY-sup. \$287.24; MIDLAND TELECOM-rep. \$2,125; MIERAU & CO.-audit \$2,000; MOSES MOTOR-rep. \$130.70; MUNICIPAL SUPPLY INC.-sup. \$118.36; NEBR. PUBLIC POWER DIST.-wholesale power chgs \$16,029.29; NEBR. PUBLIC HEALTH LAB-lab analysis \$40; NICK'S FARM STORE-rep. \$239.60; NORM BERGGREN-labor \$34; NMPP/MEAN-dist. agree. \$1,100; OVERLAND

READY MIXED-concrete \$495; PAYROLL-less ded \$11,246.54; PERENNIAL PUBLIC POWER-subtransmission chgs \$1,781.88; PLATTE VALLEY COMM.-rep. \$98; RALPH'S TIRE-rep. \$10; RUHLS WELL REP.-rep. \$126.60; STATE OF NEBR. DEPT. OF REV.-sales tax & payroll w.h. \$2,305.99;TERRY EHRISMAN-reim. mileage \$107.25; THE NEBR. SIGNAL-publ. \$106.42; TRUE VALUE-rep. \$28.29; U S CELLULAR-ut. \$53.60; VAC-ALL-rep. \$380; WEIS FIRE & SAFETY EQUIP. -sup. \$111.24; WEST BROTHERS, INC.-sup. \$49.65; WINDSTREAM-ut. \$550.22; YORK WHOLESALE & SUPPLY,INC.-sup. \$68.85; Voting aye: Melby, Moses, Pfenning, Slocum and Seggerman. Motion carried.

#### CORRESPONDENCE

1)Letter from Galaxy Cable regarding rate increase; 2) Information from Fillmore County Planning Commission's April meeting from Mark Morgan, Fairmont's representative on the planning commission; 3) Monthly project progress report from JEO Consulting Group, Inc. for storm sewer improvements; 4)Information from Patt Lentfer, Executive Director Fillmore Co. Dev. Corp regarding the housing fair on Wednesday, May 27<sup>th</sup> ; 5)Information for the upcoming Community Connections News Letter; 6) Letter from Upper Big Blue NRD regarding their upcoming meeting and the storm sewer improvements; 7)March 2009 Financial information for Fairview Manor; 8)League of Nebr. Municipalities legislative bulletins # 15,#16, #17,#18.

#### OLD BUSINESS-

##### *WORKPLACE SMOKING POLICIES*

The board reviewed information from other municipalities on work place smoking policies – Village Attorney Campbell will be contacted to draft a resolution addressing this issue for the employee handbook.

##### *POOL ADMISSIONS*

Pool admissions were reviewed. Melby moved and Pfenning seconded to approve the following pool admission prices for the 2009 pool season: Daily ages 6 & up \$3.00; Individual season ticket \$35; Family season ticket \$70 (immediate family). Voting aye: Melby, Pfenning, Moses, Slocum and Seggerman. Motion carried.

##### *STREET IMPROVEMENT STUDY*

The board reviewed the Street Improvement Study completed by JEO Consulting Group, Inc. Seggerman moved and Slocum seconded to approve the Street Improvement Study dated March, 2009 completed by JEO Consulting Group, Inc. and to incorporate the study into the village's one and six year street plan. Voting aye: Seggerman, Slocum, Pfenning, Moses and Melby. Motion carried.

#### PUBLIC FORUM-

Bonnie Moses discussed with the board trees on property lines. Chairperson Melby stated basically only trees belonging to the village are those in parks and suggested she contact her insurance agent for additional information.

#### MARSHAL REPORT

Village Marshal Steve McLeish reviewed the following: 1) Monthly report; 2)Information from Building Inspector John Hughes and Village Attorney Charles Campbell that the village may abate a nuisance. Moses moved and Pfenning seconded to pass and adopt Resolution #2009-06 authorizing the village to abatement a nuisance at Lot 9, Block 13, Fairmont Fillmore Addition,

Fairmont NE and assess the charges for the abatement against the property. Voting aye: Moses, Pfenning, Moses, Slocum and Seggerman. Motion carried. Resolution #2009-06 passed and adopted.

### **UTILITY SUP. REPORT**

Utility Superintendent Butch Long reviewed the following: 1) High board at pool has been lowered; 2) Reviewed agreement with ACCO for Liquid Chlorinating System-Butch will contact the company for additional information regarding ownership of equipment; 3) Schmader Electric is back in town to continue on project; 4) Flags on main street will be put up; 5) Lagoon, ground water, tiling systems-Butch will have discharge tested; 6) Closing of crossing on 14<sup>th</sup> Ave – need to get more guidance regarding the railroad right of way and state right of way; 7) Update on water line work by Pieper's Inc for the rescue unit building; 8) Tree disposal and mulch pen site-tape off tree pile when burning.

### **CLERK REPORT**

Clerk Linda Carroll reviewed the following: 1)Consumer Confidence Report for Water has been published; 2)Worker's comp claims have been forwarded to the insurance carrier; 3)Annual reporting requirements for USDA have been completed.

### **FAIR TRADE CREDIT ACT**

Village of Fairmont Identify Theft Prevention Program was reviewed. Melby moved and Slocum seconded to approve the Fair Trade Credit Act of the Village of Fairmont Identify Theft Prevention Program dated May 11, 2009. Voting aye: Melby, Slocum, Pfenning, Moses and Seggerman. Motion carried.

### **PAYMENT ARRANGEMENT FORMS**

Seggerman moved and Slocum seconded to accept Payment Arrangement Form #170. Voting aye: Seggerman, Slocum, Pfenning, Moses and Melby. Motion carried.

Pfenning moved and Slocum seconded to convene into executive session at 9:00 p.m. pursuant to Section 84-1410 of the Nebr. State Statue for the prevention of needless injury to the reputation of an individual. Voting aye: Pfenning, Slocum, Moses, Seggerman and Melby. Motion carried.

Chairperson Melby restated the reason for the executive session. Seggerman moved and Slocum seconded to reconvene into open session at 9:26 p.m. Voting aye: Seggerman, Slocum, Pfenning, Moses and Melby. Motion carried.

### **ADJOURNMENT**

Pfenning moved and Moses seconded to adjourn the meeting at 9:30 p.m. Voting aye: Pfenning, Moses, Slocum, Seggerman and Melby. Motion carried.

Next Regular Meeting is scheduled for Monday, June 8, 2009 at 7:00 p.m.

DENNIS R. MELBY , CHAIRPERSON

LINDA J. CARROLL,CMC  
CLERK/TREAS.