

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

MONDAY, JANUARY 11, 2010

The Regular Meeting of the Chairperson and Board of Trustees was convened in open and public session on Monday, January 11, 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. Board members present upon roll call were: Donald A. Moses, Jack R. Slocum, William W. Pfenning and Chairperson Seggerman. Absent: Dennis R. Melby. Clerk Linda Carroll recorded the minutes. 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. Visitors to the meeting: Butch Long, Steve McLeish, Jen Bohlen, Kent Harner, Juanita Rice, Sandra Schepers, Kevin Kruse, Matt Kalin, Tylor Bottorff, Grant Johnansen, Steve Cantrell. Moses moved and Pfenning seconded to approve the minutes from the December 14, 2009 meeting with the correction that “A public informational meeting on the proposed storm sewer project will be scheduled for January 25, 2010 at 7:00 p.m. at the Fairmont Legion and Juanita Rice and Sandra Schepers be a part of the planning committee for the meeting”. Voting aye: Moses, Pfenning, Slocum and Seggerman. Absent: Melby. Motion carried. November 30, 2009 Treasurer’s Report was placed on file.

MATT KALIN, JEO CONSULTING GROUP INC

Matt reviewed information from the electric rate study. Items discussed: 1) Village current rates; 2)NPPD wholesale power costs; 3)Village rates comparisons; 4) 5% increase needed to cover power charges; 5) \$1.00 increase meter charge 6) Additional information will be gathered regarding rates at surrounding communities; 7)Fillmore Central School; 8) Fairview Manor cost responsibility. Matt will report back at the February meeting with additional information on rates and will review the six year plan at that time.

SOUTHEAST NEBR. DEVELOPMENT DISTRICT

Jen Bohlen, Community Development Specialist and Ken Harner, Housing Rehabilitation Specialist with Southeast Nebr. Development Dist (SENDD), reviewed information for the village’s housing rehabilitation program which will be funded through a Community Development Block Grant (CDBG). 1) Resolution #2010-01 Excessive Force Policy Moses moved and Slocum seconded to approved Resolution #2010-01 prohibiting excessive use of force against non-violent civil rights demonstrators. Voting aye: Moses, Slocum, Pfenning and Seggerman. Absent: Melby. Motion carried. 2) Housing Advisory Committee be a separate entity-made up of community members to assist with the process of reviewing and making recommendations on the rehabilitation of selected homes; 3)Contractors for rehabilitation need to be trained on Lead Safe Work Practices; 4) Outlined procedure for rehabilitation with submitting application and SENDD reviews home inspection to bring up to minimum standards-- intent is to extend life of home for another 20 years and reduced lead-based paint hazards; 5)Housing Management Services – Pfenning moved and Slocum seconded to contract with SENDD for Housing Management Services for Fairmont’s CDBG Village-wide Housing Rehabilitation Program #09-HO-6045 and authorize the Chairperson to sign the contract contingent upon receiving the notice of “Release of Funds”. Voting aye: Pfenning, Slocum, Moses and Seggerman. Absent: Melby. Motion carried. 6)Contract for lead paint testing- Slocum moved and Moses seconded to contract with SENDD for Lead Paint Testing for Fairmont’s CDBG Village-wide Housing Rehabilitation Program #09-HO-6045 and authorize the Chairperson to sign the contract contingent upon receiving the notice of “Release of Funds”. Voting aye: Slocum, Moses, Pfenning and Seggerman. Absent: Melby. Motion carried.

TYLOR BOTTORFF- JEO CONSULTING GROUP INC

Tylor Bottorff reviewed information regarding funding and the One & Six Year Street Plan. Highway allocation funds are distributed using a formula using lane miles, population and vehicle registration for a community. A community must match the funds with 25% local dollars. These funds are used to assist with the maintenance of items for the street department. The One & Six Year Plan is sent into the State for these funds. The board will adopt the One & Six Year Street plan at the regular February board meeting.

KEVIN KRUSE – JEO CONSULTING GROUP INC

Kevin Kruse reviewed information regarding an additional scope of services for the special meeting on January 25, 2010 for the proposed storm sewer improvements. Total estimate for additional services would not exceed \$2,000. Moses moved and Pfenning seconded to approve the Additional Services from JEO Consulting Group dated January 6, 2010 for the January 25, 2010 meeting on the proposed storm sewer improvements. Voting aye: Moses, Pfenning, Slocum and Seggerman. Absent: Melby. Motion carried.

JUANITA RICE/PETITIONING CITIZENS

Juanita Rice, representing the petitioning citizens, addressed the board regarding the letter which was mailed out in January with utility bills. Concerns were: 1) It was an understanding that the Petitioning Citizens would be consulted before information was sent out; 2) The letter was intentionally evasive and not designed to elicit public interest and listed no dollar amounts in the information; 3) Express dissatisfaction with the board as the meeting has already been planned; 4) Appears that citizens of Fairmont who want the meeting to be substantive will have to send their own information packet out; 5) Would like more information sent out prior to the meeting—information to get people’s attention and will address their concerns—those being with the posted project being \$1,060,000 (information posted at the bank); 6) Is the storm sewer improvement an improvement or in preparation for paving—is enclosing of culverts an improvement of drainage; 7) Department of Roads have been petitioned on the classification standard to change roads from urban setting (requires curb & gutters to have paving) and rural highway (which requires very wide road way for safety reason). Fairmont does not fit the highway setting—if paving street is not envisioned by board what is the urgency to proceed with the project; 8) Part of the informational meeting needs to clarify the dollar amount of the project and how project has changed from original cost figure; 9) Suspicion is that the drainage is being done for curb and gutter and until proved wrong, will consider that the main reason for the project and not wise use of tax payer dollars.

GRANT JOHANSON

Grant visited with the board regarding: 1) Informational letter to go out before January 25th special meeting ; 2) Would additional funds be used to fund next phase of the proposed storm sewer improvements; 3) Upcoming levy information; 4) Concerned about how the proposed storm sewer project cost effects the ethanol plant with taxes paid by the increased levy.

CLAIMS

Seggerman moved and Slocum seconded to pay the following claims: ALLIED-ins. \$1,265; AMERTIAS-retirement \$1,497.91; ANGLE, MURPHY, VALENTINO & CAMPBELL-leg. \$835.73; BLACK HILLS ENERGY-ut. \$2,342.55; BLUE CROSS/BLUE SHEILD-ins. \$4,759.59; BURTON ENT.-refuse \$55; DELLA ROSE-reim. sup. \$248.48; EMC INSURANCE-ins. \$8,052.36; EAKES OFFICE PROD.-sup. \$330.22; FAIRMONT LIGHT & WATER-ut. \$2,762.16; FAMILY MARKET-sup. \$505.28; FARMERS COOP-fuel \$990.65; FARMERS STATE BANK-payroll w.h. \$2,500.14; FILLMORE CO. DEV. CORP.-annual investment \$3,000; FIRST CONCORD GROUP INC.- pretax ded. \$830.92; JEO CONSULTING GROUP INC-eng. \$9,481.76; KABREDLO’S INC-fuel \$109; MIDWEST LAB.

INC.-\$81.20; MOMAR-sup. \$2,436.96; MUNICIPAL SUPPLY INC.-sup. \$89; NEBR. PUBLIC POWER DIST.-wholesale power charges \$22,212.24; NEBR. HEALTH LAB.-lab analysis \$16; NEBR. DEPT. OF ENV. QUALITY-reg. \$150; PAYROLL-less ded \$11,995.22; PERENNIAL-subtransmission charges & repairs \$2,016.68; PITNEY BOWES-rental \$264; R & D PARTS LLC-sup. \$60.76; STATE OF NEBR. DEPT. OF REV.-sales tax & payroll w.h. \$2,538.85; THE NEBR. SIGNAL-pub. \$167.73; U S CELLULAR-ut. \$89.52; U S POST OFFICE-postage \$201; WAL-MART-sup. \$57.92; WEST BROTHERS INC.-sup. \$45.51; WINDSTREAM-ut. \$542.63; YORK WHOLESALE & SUPPLY-sup. \$133.85; Voting aye: Seggerman, Slocum, Moses and Pfenning. Absent: Melby. Motion carried.

CORRESPONDENCE

Correspondence reviewed: 1)Information on Fillmore County Planning Commission regarding the December 2009 meeting from Mark Morgan, Fairmont's representative; 2)Information from INSRPO insurance regarding village's annual renewal-increase resulting from increased valuation of buildings, fire truck and workers comp claims.

OLD BUSINESS

Bucket trucks will be available at NPPD auction in May.

MARSHAL REPORT

Marshal Steve McLeish reviewed his monthly report. Items discussed: 1)Court date on a case which had been continued on several occasions; 2)Assist motorist during storms

UTILITY SUP. REPORT

Utility Sup. Butch Long reviewed monthly report. Items discussed: 1)Annual water production and wastewater production records; 2)Hot gloves checked; 3) Power outages; 4)Snow removal; 5) Sanitary survey for well houses; 6) Will try to get lighting change outs completed.

CLERK REPORT

Clerk/Treas.Linda Carroll reviewed monthly report. Items discussed:1)Housing rehabilitation, 2)Filing for offices, 3)Public information meeting.

FIRE BARN/LIBRARY WATER HEATER

Bids reviewed for water heater and installation of the water heater for fire barn/library were received from :1)Murphy Plumbing & Heating, Inc. – 40 gallon water heater -\$810.40 and add \$198 for 50 gallon water heater; Kelch Plumbing, Heating & Refrigeration, Inc. – 40 gallon water heater \$662; Piepers Inc. – 40 gallon water heat \$834 or Rinnani instantaneous on demand water heater with vent pipe for \$2,286. Slocum moved and Pfenning seconded to accept the bid from Kelch Plumbing, Heating & Refrigeration, Inc. in the amount of \$662 for a 40 gallon water heater for fire barn/library. Voting aye: Slocum, Pfenning, Moses and Seggerman. Absent: Melby. Motion carried.

VACATION POLICY

Trustee Pfenning requested the board consider employees being able to carry over five days of vacation in the following year. Village Attorney Charles Campbell will be contacted to draft a Resolution to be passed at the February meeting.

PAYMENT ARRANGEMENT FORMS

Seggerman moved and Moses seconded to approve Payment Arrangement Form #177. Voting aye: Seggerman, Moses, Slocum and Pfenning. Absent: Melby. Motion carried.

ADJOURNMENT

Slocum moved and Pfenning seconded to adjourn the meeting at 10:55 p.m. Voting aye: Slocum, Pfenning, Moses and Seggerman. Absent: Melby. Motion carried.

The next regular meeting will be Monday, February 8, 2010 at 7:00 p.m.

DAVID R SEGGERMAN, Chairperson

LINDA J. CARROLL, CMC
Clerk/Treas.

SPECIAL MEETING OF THE CHAIRPERSON & BOARD OF TRUSTEES
VILLAGE OF FAIRMONT

MONDAY, JANUARY 25, 2010

A Special Meeting of the Chairperson and Board of Trustees was convened in open and public session on Monday, January 25, 2010 at 7:00 p.m. at the Fairmont American Legion Hall, 525 F St., Fairmont NE. Notice of the meeting was given in advance according to proper notification. Chairperson David R. Seggerman called the meeting to order. Board members present upon roll call were: Donald A. Moses, Jack R. Slocum, William W. Pfenning, Dennis R. Melby and Chairperson Seggerman. Clerk Linda Carroll recorded the minutes. Chairperson Seggerman noted that a copy of the Open Meetings Act was posted on the tripod for public inspection and review. Visitors who signed in: Richard D. Smith, Joe Galaway, Nancy Galaway, Steve McLeish, Barbara Smith, Mike McGallin, Jeff Lovelace, Deanna Smith, Tom Gebers, Dave, Moore, Elizabeth Long, Shirley Heiden, Patt Lentfer, Linda Hughes, Delila Snodgrass, Jay Snodgrass, John W. Hughes, Juanita Rice, Sandra Schepers, Tami Scheil, Carol Pfenning, Jerry Johnson, Jack Harris, Rose Melby, Jan Bright, LeRoy Oschner, Mary Seggerman, Steve Moseley, Terry Ehrisman, Jan Ehrisman, Darlene Fischer, Julie Brown, Gary Knowles, Albert Radke, Greg Rehm, Bonnie Gangstad, Norma Starr, Leo Starr, Merlin Ehmen, Paul Bettger, Carol Bettger, Mikel Atmore, James Atmore, Chris Gangstad, Larry Fleharty, Marilyn Rehm, Tracey Jacobsen, Tom Boyer, Steve Cantrell, Georgia Schropfer, Lynn Yates, Grant Johnansen, Dean Reder, 2 signatures not legible.

The Special Meeting was facilitated by Corrinne Pedersen, manager of member development of NMPP (Nebr. Municipal Power Pool) from Lincoln NE, Meeting was opened with the Pledge of Allegiance.

JEO CONSULTING GROUP, INC. – Steve Parr, Tylor Bottorff and Kevin Kruse

1) Reviewed timeline for project, indicating that in October 2002 a storm water master plan completed which evaluated entire storm water drainage system in town and identified problem areas and proposed structural improvements to address the problem areas. In July 2003 the Upper Big Blue NRD (Natural Resource District) entered into an interlocal agreement for drainage improvements. NRD major partner by assisting with the technical review and financial assistance. In spring/summer 2004 improvement of open ditch south of 8th & I, remaining projects never completed. In December 2008 drainage improvements identified as concern by village; March 2009 outside funding sources identified with the NRD and Community Development Block Grant (CDBG); May 2009 NRD contacted for assistance and interlocal agreement extended until June 2011 and increased financial support up to \$187,500(maximum 25% of local match); June 2009 JEO contracted to begin design of storm water improvements; July 2009 CDBG application was denied by Dept. of Economic Development as did not meet the income guidelines; July to August 2009 storm water improvements were reduced due to available funding and remaining portion split up into two phases. Phase 1 to be completed in Spring/Summer 2010 and Phase 2 completed at later time, which would be spring/summer 2011. Bids were opened at December 14, 2009 board meeting with bids being less than cost estimates.

Continued schedule is contingent upon the board awarding the bid for Phase 1. If CDBG funds are requested again in April 2010, announcement being scheduled in Fall 2010.

Alternatives for project when CDBG was not awarded in 2009, plan was scaled back and storm sewer piping under 6th Ave would not be replaced, street would not need to be disturbed and this was a large portion of the costs when the CDBG application was submitted. Open swale to be used north of the tracks; and storm sewer would be placed where the existing open main drainage ditch exist. Reviewed an open ditch section or storm sewer (underground pipe) - Open ditch section are less costly, however they need to accommodate Nebr. Board of Public Roads Classifications and Standards, have conflicts with existing utilities, many road side trees would need to be removed and this option requires additional routine maintenance. Storm Sewer/Underground pipe reduces maintenance, minimal disturbance to roadside trees.

2)Costs were reviewed- Original project was \$1,220,000 to be paid for by \$350,000 from CDBG program, \$187,500 from NRD and \$682,500 local village funds. In July 2009, a large portion of the project was eliminated because of the denial of the CDBG application. Using the existing low bid from Phase I the project costs for the both phases total \$713,100. If a CDBG application is successful,\$167,500 would come from CDBG funds, \$106,400 NRD funds and \$439,200 local village funds. If a CDBG application is unsuccessful the cost would be \$148,275 NRD funds and \$564,825 local village funds.

CHARLES CAMPBELL

Charles Campbell, Village Attorney, explained that Nebr. law allows for projects such as sewer improvements, water improvements and storm water improvements may be constructed with just board approval and are considered to be of benefit for the entire community. That the petition that was presented to the board was an expression of public opinion, not a formal petition.

RANDY MIERAU

Randy Mierau, Village Accountant, explained village's current and estimated valuations over the next five years and reviewed previous years village levy information. Also discussed were Tax Increment Financing (TIF), personal property tax depreciation schedules and increased levy accelerates TIF bond payments from Advanced Bio Energy.

The floor was open for public questions and comments. Comments included individuals who spoke in favor and against the project, Advanced Bio Energy personnel stated ethanol plant is 78% of the tax base of the community and wished to be informed of public meetings; communication of the project; drainage at 8th & I; drainage does go south, some drainage work was completed in early 1980's which was done because of water in basements; water mains, sewer lines, drainage pipe under railroad and Highway 6; pipe sizes, culverts, O'Malley Grain is a TIF project, hard surfacing of streets, encourage citizens to contact board members with questions .

AWARD BID

A bid sheet was reviewed with the formal bids which were received for the project as follows: Van Kirk Bros Contracting, Sutton NE. \$209,705.26; Midwest Underground Inc. Lincoln NE \$220,448; General Excavating, Lincoln NE \$229,805.95; M.E. Collins Contracting Co., Inc. Wahoo NE \$231,563.20; T. J. Osborn Construction, Inc. Lincoln NE \$241,264; Rutjens Construction Inc. Tilden NE \$264,881.40; Judds Brothers Construction Co. Lincoln NE \$266,418; Dobson Brothers Construction Lincoln NE \$274,519.75. Melby moved and Moses seconded to accept the bid from Van Kirk Bros. Contracting, Sutton NE in the amount of \$209,705.26. Voting aye: Melby, Moses, Slocum, Pfenning and Seggerman. Motion carried.

ADJOURNMENT

Pfenning moved and Melby seconded to adjourn the meeting at 8:46 p.m. Voting aye: Pfenning, Melby, Moses, Slocum and Seggerman. Motion carried.

DAVID R. SEGGERMAN, Chairperson
CLERK/TREAS.

LINDA J CARROLL,