

ANNUAL ORGANIZATIONAL MEETING OF THE CHAIRPERSON AND BOARD  
OF TRUSTEES OF FAIRMONT NEBRASKA  
MONDAY, DECEMBER 14, 2009

The Annual Organizational Meeting of the Fairmont Village Board of Trustees was convened in open and public session on Monday, December 14, 2009 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 Dennis R. Melby called the meeting to order. Clerk/Treas. Linda Carroll recorded minutes. Board members present upon roll call were: William W. Pfenning, Donald A. Moses, David R. Seggerman and Chairperson Melby. Absent: Jack R. Slocum. Visitors to the meeting were: Jack Harris, Steve McLeish, Butch Long, Terry Ehrisman, Kevin Kruse, Charles Campbell, Tom Boyer, Randy Mierau, Bob Meade, Tami Scheil, Chris Gangstad, Sandra Schepers, Juanita Rice, Grant Johanson, Irvin Stouffer and Gloria Miller. 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. Melby moved and Moses seconded to approve the minutes of the November 9, 2009 board meeting. Voting aye: Melby, Moses, Pfenning and Seggerman. Absent: Slocum. Motion carried. The October 31, 2009 Treasurer's Report was placed on file.

**PUBLIC FORUM**

Jack Harris thanked Butch Long and the maintenance department for a superb job in snow removal.

**RICH PETERSON, ADVANCED BIO ENERGY (ABE)**

Rich Peterson representing Advanced Bio Energy visited via telephone with the board on the following items regarding the storm sewer project: 1) ABE desires to be a good corporate citizen and is solid financially, however, they are not in favor of paying for 78% of a project which is of no benefit to ABE; 2) ABE was not directly notified of the project and became aware of the project only when tax statement was received and noticed tax increase; 3) ABE believes this project would not have been considered if the ethanol plant was not included in the tax base; 4) ABE paid taxes of \$2.10 million (Tax Increment Financing (TIF) and all taxing entities) were expecting to pay \$1.7 million in 2010, but instead will end up paying \$2.4 million with major increase from storm sewer project and increased TIF payment because of levy increase; 5) Village of Fairmont received \$127,000 in 2009 and will receive \$510,000 in 2010. Reiterated ABE pays 78% of all taxes the village receives and should have been informed of the project; 6) Requested ABE in Minneapolis MN and ABE office in Fairmont be given notice by mail or e-mail of meeting notices and agendas, as ABE is not in town, do not see certain postings inside the community, and therefore are unaware of meetings; 7) Want to make sure this type of project does not happen again in that they find out about a project at the end of the process; 8) In return ABE will let the village know of any significant events impacting their company and communities as necessary.

Village board members, Village Attorney Charles Campbell, Village Accountant Randy Mierau and Storm Sewer Project Engineer Kevin Kruse discussed these issues: 1)The

project has been communicated to the public with quarterly utility newsletter, community meeting, Senior Center discussions and in all minutes since project inception of March 2009; 2) Village applied and denied Community Development Block Grant (CDBG) of \$350,000 for project and will reapply; 3) Upper Big Blue Natural Resource District (NRD) is contributing up to \$187,000, however this must be used by June 2011; 3) Discussed purpose and scope of project, phases and future plans; 4) Bonding not considered for project as funds would be available and this would save on interest cost in the long term; 4) Previous village levy for past 10 years has been \$1.00, and as personal property from ABE is depreciated, the \$1.00 may be back in the next few years even without any projects. Levy will change annually and is unknown until budget work is done; 5) \$6.7 million of TIF financing and levy changes will effect the amount of TIF payments over time-Mr. Peterson will contact Village Accountant for additional TIF information; 6) Tax levy cannot be changed once it is certified and sent to state.

Mr. Peterson stated ABE will be communicating more formally with the board and would hold the board accountable for their action. Mr. Peterson indicated ABE would be at a January or February board meeting.

#### **JUANITA RICE & CONCERNED CITIZENS**

Juanita Rice offered to the board the signatures collected in the past five days regarding the storm sewer project. Concerns expressed were: 1) Although the village board fulfilled the legal obligations to post and the storm sewer project was discussed at meetings, most people in town would expect a major notification for a project of this size; 2) This project does increase property taxes unexpectedly, Fairmont does not have jobs and many people on single income from pensions and savings have diminished incomes; 3) They are not debating the virtues of the project, but asking to have clearer and written information spelling out the project; 4) Request the board postpone accepting a bid for 30 or 60 days to allow the public to understand the project; 5) At that time, they believe the board would have solid approval or disapproval of the public.

Kevin Kruse, Storm Sewer Project Engineer, stated the bid documents allow the board to award the bid within 60 days of the bid opening. Mr. Peterson stated that ABE would be in favor of the community meeting and supportive in a positive way and wish to be a part of the petition as well. ABE would be willing to pay the cost of publishing a notice, mailing cost and a couple of volunteers to knock on doors to make the public aware of the meeting. Tom Boyer stated Fairmont is not in a flood plain area and therefore there is no need for the drainage project. He also expressed concern if there is even any interest in paving as no residents have ever come forward with paving petitions.

A public informational meeting on the storm sewer project will be scheduled for January 25, 2010 at 7:00 p.m. at the Fairmont Legion.

Board took a recess from 8:30 p.m. – 8:35 p.m.

**KEVIN KRUSE, JEO CONSULTING GROUP INC**

Kevin stated eight bids were received for the storm sewer drainage project ranging from \$209,705 to \$274,500. The project cost estimate was \$300,000. Kevin will review formal bids at the January 25, 2009 meeting.

### **BOB MEADE, UTILITY SERVICES REPRESENTATIVE**

Bob Mead from Nebr. Municipal Power Pool (NMPP) reviewed American Public Power Association (APPA) safety code, Rural Electric Assn. line specifications and a list of safety equipment and training sessions. Maintenance personnel will follow up on safety equipment and training.

### **JUANITA RICE**

Juanita visited with the board regarding maintenance of the ditch by her property and limited site distance at the intersection of 8<sup>th</sup> & I Street. Village maintenance personnel will assist with moving the bushes in spring and small shrubs will be left in front of her home.

### **GLORIA MILLER**

Gloria Miller requested permission to have a parade on Saturday May 29th at 2:00 p.m. in the afternoon for the 50 year class. The board requested Gloria visit with the Chamber on the date of Old Settlers and discussion was held on liability and the cost of \$150 for the parade insurance.

### **CLAIMS -**

Moses moved and Seggerman seconded to pay the following claims: AMERITAS-retirement \$1,407.48; AMERICAN LEGAL PUBLISHING-updates \$650; BLACK HILLS ENERGY-ut. \$825.60; BLUE CROSS/BLUE SHIELD-ins. \$4,759.59; BURTON ENT.-refuse \$55; DELLA ROSE-reim. Sup. \$527.92; DICKSON-sup. \$80; DUTTON-LAINSON-sup. \$884.05; EMC INS.-ins. \$294; EXPERIENCE WORKS-donate \$125; FAIRMONT LIGHT & WATER-ut. \$3,005.12; FAMILY MARKET-sup. \$296.45; FARMER COOP-fuel \$100.69; FARMERS STATE BANK-payroll w.h. \$2,344.46; FIRST CONCORD GROUP, INC.- \$830.92; GALL'S INC-sup. \$8.89; GAMBLES-sup. \$125; GREAT PLAINS ONE-CALL SERV.-ut. \$2.02; HAWKINS WATER TREATMENT-sup. \$150; HYDRAULIC EQUIP. SER-sup. \$795.75; KABREDLO'S-fuel \$188.47; LAWSON PROD.-sup. \$28.85; MIDWEST LAB.-sup. \$39.50; MOGUL'S TRANSMISSION-sup. \$242.72; MOMAR-sup. \$143.80; MUNICIPAL SUPPLY INC-sup. \$213.51; NEBR. PUBLIC POWER DIST.-wholesale power charges \$17,592.82; NEBR. DEPT. OF ENVIR. QUALITY-loan pmt \$7,329.21; NEBR. HEALTH LAB-lab analysis \$16; NMPP/MEAN-computer supp. \$5,223; PAYROLL-less ded \$10,561.30; PERENNIAL-sub transmission chgs \$1,865.70; PROCESS MEAS. CO.-sup. \$97.08; R & D PARTS LLC-sup. \$130.74; SARGENT DRILLING-rep. \$873.46; STATE OF NEBR. DEPT. OF REV.-payroll & sales tax \$2,497.65; TERRY EHRISMAN-reim. Mileage \$264; THE NEBR. SIGNAL-pub. \$214.62; U S CELLULAR-ut. \$104.31; UNITED INDUSTRIES-ut. \$147.55; U S POST OFFICE-postage \$201; WEST BROTHERS, INC.-sup. \$300.50; WINDSTREAM-ut. \$546.89; YORK WHOLESALE & SUPPLY-ut. \$195.75. Voting aye: Moses, Seggerman, Pfenning and Melby. Absent: Slocum Motion carried.

## **CORRESPONDENCE**

Board reviewed correspondence: 1)Fairmont Appreciation Neighbors Club thanking board for service provided to the community; 2)Letter from JEO Consulting Group, Inc. requesting to be appointed Village Engineer for upcoming year; 3) Information on Fillmore County Planning Commission regarding the November 2009 meeting from Mark Morgan, Fairmont's representative; 4)Letter from Family Market; 5) Fairview Manor's September 2009 financial information; 6)Nebr. Energy Office regarding energy efficiency improvements

## **OLD BUSINESS**

Bucket truck – Maint./Electrical Tech. Terry Ehrisman reviewed information on two additional bucket trucks. Trustee Pfenning will inquire about the availability of surplus trucks from Nebr. Public Power Dist.

## **MARSHAL REPORT**

Marshal Steve McLeish reviewed monthly police report. Items discussed: 1)Computer repairs ; 2) Security cameras.

## **UTILITY SUP. REPORT**

Butch Long Ut. Sup. reviewed monthly maintenance report. Items discussed: 1) Substation relocation; 2) Light change outs in Village Hall, Library and Fire barn; 3)Snow removal.

## **CLERK REPORT**

Linda Carroll, Clerk/Treas. reviewed monthly report. Items discussed: 1)Housing Rehabilitation Grant Administrative Agreement with Southeast Nebr. Dev. District (SENDDD). Melby moved and Moses seconded to enter into a Professional Service/Consultant Agreement between SENDDD and the Village of Fairmont for administration of Community Development Block Grant Housing Rehabilitation CDBG #09-HO-6045. Voting aye: Melby, Moses, Pfenning and Seggerman. Absent: Slocum. Motion carried.

## **RESOLUTION #2009-15 NUISANCE ABATEMENT LIEN**

Seggerman moved and Moses seconded to pass Resolution #2009-15 authorizing a lien in the amount of \$2,442.50 on Lot 9, Block 13, Fillmore Addition, Fairmont Fillmore County NE. Voting aye: Seggerman, Moses, Pfenning and Melby. Absent: Slocum. Motion carried. Resolution #2009-15 passed and adopted.

## **REORGANIZATION**

Moses nominated and Pfenning seconded the nomination David R. Seggerman for Chairperson of the Board. Voting aye: Moses, Pfenning and Melby. Abstain Seggerman. Absent: Slocum. Motion carried. Melby nominated and Moses seconded the nomination of William W. Pfenning as Acting Chairperson. Voting: Melby, Moses, Pfenning and Seggerman. Absent: Slocum. Motion carried.

Chairperson Seggerman made the following appointments within the board: Police – Trustee Melby; Maintenance Department -Streets, Alleys & Signs – Trustee Slocum ; Village Hall and Utilities (electric, water & sewer) – Trustee Pfenning; Parks –Trustee Moses; Board of Health- Chairperson Seggerman, Marshal Steve McLeish and Richard Smith; Fairview Manor Advisory Board Liaison –Chairperson Seggerman.

Chairperson Seggerman 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. Pfenning moved and Melby seconded to accept and approve Chairperson Seggerman’s appointments. Voting aye: Pfenning, Moses, Melby and Seggerman. Absent: Slocum. Motion carried.

Melby moved and Moses seconded to adjourn the meeting at 10:15 p.m. Voting aye: Melby, Moses, Pfenning and Seggerman. Absent: Slocum . Motion carried.

The next Regular Meeting will be Monday, January 11, 2009 at 7:00 p.m.

DAVID R SEGGERMAN, Chairperson

LINDA J. CARROLL, CMC  
Clerk/Treas.