

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

Monday, March 9, 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, March 9, 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 Linda J. Carroll recorded the minutes. Board members present upon roll call were: William W. Pfenning, Donald A. Moses, Jack R. Slocum, and Chairperson Melby. Trustee David R. Seggerman arrived at 8:20 p.m. 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 meeting: Jack Dixon, Linda Klipp, Skip Radke, Steve Parr, Tylor Bottorff, Matt Kalin, Terry Meier, Tami Scheil, Norene Fitzgerald, Steve McLeish and Butch Long. Moses moved and Slocum seconded to approve the minutes of February 9, 2009 board meeting. Voting aye: Moses, Slocum, Pfenning and Melby. Absent: Seggerman. Motion carried. January 31, 2009 Treasurer's Report was placed on file.

STREET IMPROVEMENT STUDY

Steve Parr, Vice President, JEO Consulting Group, Inc. reviewed the following information with the board regarding the street improvement study: 1) Rural section is considered an open ditch and urban section is with curb and gutter and with minimum design standard for a rural section road with ditches a total of 58' – 66' width of street is needed; when looking at streets throughout town if a rural section design road would be considered than most things between the sidewalks (trees, etc.) would need to be removed. 2) Current streets are not minimum standard, they are grandfathered in—any improvements must meet standards. If standards are not met, then the village could lose State Highway allocations. 3) Storm sewers would be required with rural section and to get water to main drainage system; 4) Reviewed map of town which identified existing street surfaces; 5) Street improvement project would be done in phases – when attempting to maximize grant money to assist with project look for areas that benefit the most people, as well as getting the main drainage area upgraded to storm sewer; 6) First phase would be storm sewer improvements and the second and third phase would be to hard surface streets that are currently gravel. Could also include putting an asphalt overlay on existing asphalt streets if needed (i.e. main street and streets going to school); 7) Reviewed map showing existing storm sewer and drainage areas; 8) When working on a storm sewer drainage project, begin at the low end and work toward the main storm sewer area, after that is done, then could work tying other drainage areas in - might consider a retention area(s) to mitigate the additional run off. 9) Storm sewers would be behind the curb. Other items discussed: 1) existing condition and age of water and service lines under the streets; 2) costs; 3) it takes 6" of concrete equals 8" of asphalt-life cycles indicate concrete outlasts asphalt; could bid a project for concrete and asphalt. Sub grading important. General consensus of the board was to pursue an urban type of street when street improvement phase begins, because the urban section are less intrusive (removal of trees, etc.)

Terry Meier, Community Development Specialist from JEO Consulting Group, Inc. reviewed the following information on potential funding that might be available to fund a drainage project. Items discussed: 1) Community Development Block Grant (CDBG) application will be written by Southeast Nebr. Development. Dist. (SENDD) with information compiled by JEO in the street study; 2) CDBG applications are judged and scored on a competitive basis against other communities that have submitted applications; 3) Key scoring items are matching funds (village would apply for \$350,000 and then indicate it would match that amount) along with projects that have the maximum impact for residents-would benefit a large portion of the residents of

Fairmont; 4) Phasing of project – this would be a three year phase a) surface drainage; b) complete drainage project and start street improvements; c) follow up with remaining street improvements; 5) The CDBG program is to benefit low to moderate income (LMI). If a street improvement project is done with CDBG funds, then direct assessments are not allowed with grant funds. The project would need to be funded with a general obligation (GO) bond to be paid with property taxes. If direct assessments are done with CDBG funds, then individuals who would qualify under CDBG LMI status would need to request a waiver from the assessments. The CDBG funds would pay for those assessments.

Norene Fitzgerald, Community Development Specialist from SENDD reviewed the time line for grant applications. General consensus of the board was to pursue CDBG funding for phase one of the project for the drainage improvements. The village would be able to submit a CDBG application on an annual basis. A grant application will be placed on the agenda for the April board meeting.

Taylor Bottorff, Project engineer, JEO Consulting Group, Inc. stated he has been in contact with the Upper Big Blue NRD. The village's previous agreement will expire in June of 2009. Taylor will contact the NRD to inform them that the village is interested in pursuing drainage improvements.

2009 ELECTRICAL PROJECT

Matt Kalin, JEO Consulting Group, Inc. reviewed the bids received for the 2009 Fairmont Electrical Distribution System. Schrader Electric bid \$60,448.70 and Mid-Plains Power, Inc. bid was non-responsive as they did not bid the items on a unit price per the contract. Melby moved and Moses seconded to accept the bid from Schmader Electric in the amount of \$60,488.70 for the 2009 Fairmont Electrical Distribution System Renovations. Voting aye: Melby, Moses, Pfenning, Slocum and Seggerman. Motion carried.

STREET IMPROVEMENT COMMUNITY DEVELOPMENT BLOCK GRANT

Pfenning moved and Seggerman seconded to approve a public hearing application for CDBG funds for Street and Street Related projects for the April 13, 2009 board meeting and request Southeast Nebraska Development Dist. to develop such with information provided from the Street Improvement Study. Voting aye: Pfenning, Seggerman, Moses, Slocum and Melby. Motion carried.

DARK FIBER SOLUTIONS

Jack Dixon, President of Dark Fiber Solutions (DFS) presented a proposal for Local Area Networking (LAN) Support to Fairview Manor. Items discussed: 1) Problems which DFS has had with the manor's current service provider on the streamed televised church service; 2) Qualifications of DFS staff and different providers serviced by DFS; 3) Back up of records; 4) Responsiveness of DFS service; 5) Enhancement of services. Tami Scheil, Administrator from Fairview Manor, stated she was pleased with her current provider and was not interested in the proposal from Dark Fiber Solutions. General consensus was to have Jack visit with the Fairview Manor Advisory Board.

TAMI SCHEIL, FAIRVIEW MANOR ADMINISTRATOR

Tami reviewed information regarding the proposed independent senior living duplexes and enlargement of the current household areas. Items discussed: 1) JEO has been out to survey the proposed area; 2) Seggerman moved and Melby seconded to convene into executive session at 9:20 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: Seggerman, Melby, Pfenning, Moses and Slocum. Motion carried. Chairperson Melby restated the reason for the executive session. Pfenning moved and Seggerman seconded to reconvene into open session at 9:28 p.m. Voting aye: Pfenning, Seggerman, Moses, Slocum and Melby. Motion carried.

CLAIMS

Moses moved and Seggerman seconded to pay the following claims: ACCO-sup. \$3,000; ACTION AUTO SUPPLY-sup. \$461.66; ADAMS BANK & TRUST-TIF pmt. \$21,657.60; ALLIED INS.-ins. \$391; AMERITAS-retirement \$1,167.89; BLACK HILLS ENERGY-ut \$2,579.95; BLUE CROSS/BLUE SHIELD-ins. Pre. \$4,057.28; BURTON ENT.-refuse \$55; CORNHUSKER MARRIOTT-lod.\$114; CUMMINS CENTRAL POWER-rep. \$579.62; DELLA ROSE-reim. sup. \$299.20; DHHS-fees \$40; DUTTON-LAINSON SUP.-sup. \$961.88; EMC INS.-ins. \$1,523; FAIRMONT CHAMBER OF COMMERCE-dues \$50; FAIRMONT LIGHT & WATER-ut. \$3,143.65; FAMILY MARKET-sup. \$496.90; FARMERS COOP-fuel \$290.03; FARMERS STATE BANK-payroll w.h. \$2,507.36; FIRST CONCORD GROUP INC-pretax ded, admin. \$990.71; FIRST NATIONAL BANK-sup. \$88.91; GAMBLES OF GENEVA-sup. \$47.43; GARY KNOWLES-snow removal \$78; GREAT PLAINS ONE-CALL-locates \$2.02; HAMPTON INN -lod. \$138; HAWKINS WATER TREATMENT-sup. \$406.38; JEO-engineering \$7,345.00; LEAGUE OF NEBR. MUN.-conf. \$666; LEAGUE OF NEBR. MUN UT. SEC.-conf. \$250; MOMAR-sup. \$1,011.41; NEBR. MUNICIPAL CLERK INS. – conf. \$245; NEBR. PUBLIC POWER DIST.-wholesale power chgs. \$18,844.86; NEBR. PUBLIC HEALTH ENVIR. LAB-sup. \$16; NEED COALITION-dues \$71.86; O’MALLEY GRAIN-TIF pmt. \$1,177.53; PAYROLL-less ded. \$10,573.81; PERENNIAL-subtransmission chgs. \$1,629.92; SARGENT DRILLING-rep. \$23,816.58; STATE OF NEBR. DEPT. OF REV.-sales tax & payroll w.h. \$2,639.54; TERRY EHRISMAN-reim. mile. \$144.45; THE NEBR. SIGNAL-pub. \$120.85; TRUE VALUE-sup. \$4.98; U S CELLULAR-ut. \$46.84; U S POST OFFICE-postage \$242; WAL-MART-sup. \$86.11; WEST BROTHERS, INC.-sup. \$97.69; WHAT’S HAPPENING-donation \$400; WINDSTREAM-ut. \$530.14; YORK WHOLESALE & SUPPLY-sup. \$12. Voting aye: Moses, Seggerman, Pfenning, Slocum and Melby. Motion carried.

CORRESPONDENCE

Correspondence reviewed: 1) Letter from Village Attorney Campbell regarding reply the drainage on the W ½ 32-8-2, Fillmore Co. NE.; 2) Memo from Fillmore Co. Devp. Corp regarding highlights of 2008; 3) Legislative update from Walter Radcliffe; 4) Update from Mark Morgan, Fairmont’s representative on the Fillmore Co. Planning Commission; 5) Letter from Nebr. Dept. of Roads stating the area of Highway US 6-8th Ave does not qualify for any state funding for flashing beacons at the school crossing, but the village could install them at the village’s cost; 6) Sub transmission Rate Schedule from Perennial Public Power Dist.; 7)Great American Clean Up; 8)League of Nebr. Legislative Bulletins #6, #7, #8, #9.

OLD BUSINESS

Seggerman moved and Moses seconded to pass the third and final reading of ORDINANCE #09-465, AN ORDINANCE OF THE VILLAGE OF FAIRMONT, NEBRASKA, TO VACATE A PORTION OF 14TH AVENUE TO CLOSE THE ROAD AND ELIMINATE A RAILROAD CROSSING; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE. Voting aye: Seggerman, Moses, Pfenning, Slocum and Melby. Motion carried. Ordinance #09-465 passed and adopted.

MARSHAL REPORT

Village Marshal Steve McLeish reported: 1) Will get written authorization from building inspector Hughes for removal for a nuisance abatement property; 2) Review letter from County Attorney regarding pool break in; 3) Requested a listing from board members for the April board meeting for additional buildings for nuisance abatement process.

UTILITY WORK REPORT

Utility Superintendent Butch Long reported: 1) Rescue Unit building sprinkler system-Butch will continue to research; 2) Pool Inspection Report from JEO Consulting Group Inc regarding the Virginia Graeme Baker Pool & Spa Safety Act for the pool drainage system; 4) Brush attachment for tractor; 3) Update on new pool filter;

CLERK REPORT

Clerk Linda Carroll reported: 1) Nine pre applications have been received by SENDD for the housing rehab grant to date; 2) Attending Nebraska Municipal Clerks' Academy in Kearney March 17th – March 20th; 3) Reviewed information for fire proof file cabinet; 5) Update computer/laptops-Trustee Moses will follow up on this for the April meeting.

POOL EMPLOYMENT

Board members reviewed pool applications for manager, assistant manager and lifeguards. Melby moved and Pfenning seconded to hire Wanda Moses as Pool Manager and Dave Seggerman as Assistant Pool Manager for the 2009 pool season and to authorize the pool manager to hire lifeguards for the 2009 pool season and wages will be set at the April 13, 2009 board meeting. Voting aye: Melby, Pfenning and Slocum. Abstain: Moses and Seggerman. Motion carried.

FAIRMONT HOUSING AUTHORITY

Seggerman moved and Slocum seconded to reappoint Sally Stone to the Fairmont Housing Authority Board. Voting aye: Seggerman, Slocum, Pfenning, Moses and Melby. Motion carried.

ADJOURNMENT

Melby moved and Moses seconded to adjourn the meeting at 10:28 p.m. Voting aye: Melby, Moses, Pfenning, Slocum and Seggerman. Motion carried.

DENNIS R MELBY
Chairperson

LINDA J. CARROLL, CMC
Clerk/Treasurer

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

Thursday, March 12, 2009

A Special Meeting of the Chairperson and Board of Trustees for the Village of Fairmont was convened in open and public session on Thursday, March 12, 2009 at 7:00 p.m. at the American Legion Club, 525 F. St. 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 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 wall for public inspection and review. Visitors who signed in for the meeting were: Jack & Kay Harris, Vern Berggren, Ralph Gipson, Rose Melby, A J. Radke, Jerry Johnson, Carol Pfenning, Marv Roper, Gary

Knowles, Dave Moore, Gene Fischer, Elizabeth Long, Larry Fleharty, Steve & Marcia Cantrell, Dave Bristol, Jan Bright, Stan Nichols, Steve McLeish and Butch Long. The purpose of the special meeting was to review with the public the findings in the Street Improvement Study.

Norene Fitzgerald, Community Development Specialist, Southeast Nebr. Dev. Dist. (SEND) facilitated the meeting. Individuals making presentations were Steve Parr and Tylor Bottorff, JEO Consulting Group, Inc., Wahoo NE (engineers); Bill Abts, Vice President, Ameritas Investment Corp. (fiscal agent) and Charles Campbell, Village Attorney.

Norene informed the public that in November, 2007, a Community Attitude Survey was completed by the residents of Fairmont and two priorities on the survey were street conditions and drainage. The village board then applied for a planning grant from the Community Development Block Grant program to study these conditions. The village was successful in the grant application and JEO was hired to conduct the study. This evening the results of the street improvement study will be reviewed.

Steve Parr and Tylor Bottorff, JEO Consulting Group, Inc. reviewed information from the street improvement study. They explained there are two types of roads – a rural section which is considered an open ditch and urban section which is with curb and gutter. The majority of Fairmont's roads are graveled rural section roads. Some of Fairmont's streets are not minimum standard, they are grandfathered in and if any improvements are done to the streets (hard surfacing) the improvements must meet minimum design standards by the State. If standards are not met, then the village could lose State Highway allocations. The minimum design standards are for safety and uniform street width.

The minimum road design standard is 22' wide, however with a rural section road the design standards require an earth shoulder of at least 6' wide on each side (total width required 34'). If the road would be a 26' wide road then a earth shoulder of 4' wide on each side would be used because part of the earth shoulder is in the pavement (total width required 34'). Ditches need to be part of a rural section road for drainage and the ditches would be approximately 1 ½ - 2' deep. A slope of 4:1 would be required of the ditches so individuals would be able to mow the ditches. This would add an additional 8' on each side of the required 34' width, or a total of 50' wide. A back slope would have to be included and this would then make an area of approximately 58' - 66' wide. When looking at streets throughout town if a rural section design road would be considered (open ditches) than most things between the sidewalks (trees, etc.) would need to be removed. Since a rural section design is most intrusive, the village board would be considering an urban section design. Regardless of either a rural or urban section road, storm sewer improvements are needed to have the water go to the main drainage system.

It was noted that the first step to any type of street improvements would need to begin with storm sewer improvements. As Fairmont is eligible for Community Development Block Grant (CDBG) funds, the main focus of the project would be to improve areas which benefit the most people, along with upgrading the main drainage for the storm sewer. The street study outlines a three phase plan. The first phase would be improvements to the current storm sewer and the next two phases would be for hard surfacing to improve the current gravel streets. All streets which are hard surfaced at this time have not been considered in the plan. However, if warranted asphalt overlay could be done to the streets which are currently asphalt. At this time, the village board would be working on the first phase of the improvements-the storm sewer system. The focus of this meeting would be to inform the public about how improvements could be funded. Once the storm sewer improvements are completed, then at a later date the other two existing phases of the street improvements will be reviewed at another public informational meeting.

Bill Abts, Vice President, Ameritas Investment Corp, reviewed financial information for the storm sewer improvements. Fairmont's current levy is \$76,156,075, this includes approximately \$62,000,000 of personal property from the ethanol plant which will be depreciated. Typically this would be over 5 years, so after that time, Fairmont's valuation will be back to approximately \$14,000,000. Historically since 1998 Fairmont's levy has been in the \$1.00/\$100 valuation range and this past year levy lowered to \$.20/\$100 valuation due to large increase in valuation. With the levy increase back to the \$1.00/100 valuation, the village would be able to use property taxes to assist with the project. Bill stated when a municipality does a project it needs to work within its means, structuring bonds with projects in tact and be prudent on financial matters. The village can use a combination of funds to assist with paying for the project and the village would be applying for Community Development Block Grants to assist with the project. The Natural Resource District would also be contacted with assist with a portion of a storm sewer drainage project.

Charles Campbell, Village Attorney, stated before any improvements could be done an improvement district must be created and this is done by an ordinance. With the passage of the ordinance, this authorizes the work to be done. The proposed storm sewer drainage system will be paid by all residents with property taxes and no assessment will be made.

Norene Fitzgerald, Community Development Specialist from SENDD indicated SENDD would be assisting the village with the Community Development Block Grant (CDBG) application under the low to moderate income (LMI) category. The village can reapply for the funds on an annual basis to assist with the other two phases of the improvements.

Other discussion items: 1) Village has looked at street improvements in late 1960's; early 1980's and in mid 1990's –drainage issues and lack of funding have always been problematic and projects either not started or partially completed for that fact; 2) Drainage improvements could begin in 2010 and construction would take good portion of summer; 3) Drainage improvements from the 2003 Drainage Study will be incorporated with the improvements; 4) Improvements could include off streets leading into drainage; 5) To expedite process the board could authorize JEO to being the design phase. In this manner the plans and specifications would be prepared, so if the grant is awarded, the project would be ready to proceed upon notification of funds.

Seggerman moved and Slocum seconded to adjourn the meeting at 8:40 p.m. Voting aye: Seggerman, Slocum, Pfenning, Moses and Melby. Motion carried.

DENNIS R. MELBY, CHAIRPERSON

LINDA J. CARROLL, CMC
CLERK/TREAS.