

**SPECIAL MEETING FOR BOARD OF TRUSTEES
VILLAGE OF FAIRMONT, NEBRASKA
WEDNESDAY, NOVEMBER 5TH, 2025 AT 6:00 PM**

The Village Board of Fairmont, Nebraska met in Special Session on Wednesday, November 5th, 2025, at 6:04p.m. at the Fairmont Village Hall, 635 6th Ave., Fairmont NE. Notice of the meeting was given in advance according to proper notification by posting of meeting notice at Heartland Bank-Fairmont Branch, U.S. Post Office and Fairmont Village Hall. The purpose of the special meeting was to hold an informal hearing to appeal a nuisance allegation. Chairman Rod Ehmen called the meeting to order. Clerk/Treasurer Karen Margheim recorded the minutes. Board members present upon roll call were: Rod Ehmen, Matt Hafer, Bill Schropfer, Stuart Bridges, and one vacant position. Visitors to the meeting were: Tyler Salmon, Don Moses, Wanda Moses, Katie Sharp, Mark Jarosz and Austin Jarosz. Chairman Ehmen 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.

Hearing

Below are some of the main points from the hearing. The Village attorney, Charley Campbell, began by stating, "the purpose of this meeting is to consider the appeal by Mark Jarosz from the notice of nuisance that was issued by the Village board and served by the Village Marshall". "So we are having a hearing on the appeal to determine whether or not the notice should remain in effect, and if so, whether the order to abate the nuisance should also remain in effect." Later Attorney Campbell made the statement, "It's just limited to the issues on the appeal to be presented by the board on behalf of the village and then by Mr. Jarosz." Marshal Salmon presented his evidence by stating, "So first off, I sent the notice and opposed to that on your building or your office there it says that the letter decided Village Fairmont Ordinance Section 3, 404, Section F for the concrete, which is these pictures of the property. That was actually on October 26th. So, I took that one. According to the statute, according to section 304, you're not able to have a nuisance of broken stone or concrete in the building." Salmon went on to explain, "So the reason I serve this because at the June 9 meeting, the discussion by the village board to Austin was to not put any more concrete on that pile down there and that it needs to be cleaned up. And then sometime in between there and our October meeting, we noticed that there was more concrete piled over there. At the Oct. 14 meeting, it was discussed that we needed to send a letter to remove that pile out there.

Charley asked this question to the board, "Anything that the board might want to bring out? Trustee Hafer responded with, "Just that we told you not to put more stuff out there. Like I said, we just wanted to make sure that it gets cleaned up. We've had residents complain about it. Driving into town about it, and it's been there for years."

Sometime later Charley asked Katie if she wanted to proceed. Katie started with, "Yes, if I can. So, just a brief introduction. My name is Katie Sharp. I'm an attorney. I represent Mark Jarosz and his company. I also practice municipal law, so I represent villages and cities as well. So, I see both sides. I understand the need to clean up nuisances and things like that. I just see some issues in this particular case, given the circumstances surrounding my client and what has been going on between him and the city, I think we have a strong argument and that this is somewhat of a discriminatory practice that's prohibited in prosecuting these types of cases."

After some discussion Charley commented, "Katie, if I can ask, is there any request for a specific amount of time to remove this material or is it simply opposition to the determination that it's not?"

Katie Sharp responded, "I don't know if you're aware my clients attempting to burn down a building, but that requires the removal of a pole and some three poles, and that involves the cooperation of the village to do that. So, I think if we could coordinate that with the same time with moving some of that rock, it would be with that building, you know, it would be of the same event. So, if we could coordinate that, I think that would just be helpful. Okay, so no specific request for a certain amount of time to get this removed."

More dialog ensued. Mark Jarosz stated, "When I bought that lot, right, I got it for \$3,000 because there's a church buried under it was a dump at one time. That's why they gave it to me, because they said we can't use it for anything else. And the board was like, you can put your concrete there. That's what it was once before. So that's why I put it there. Knowing that someday this other building was going to come down and I'll crush all that rock."

Trustee Schropfer commented, "Actually, in the minutes from when that was done, it was mentioned from the minutes of that meeting. It says something about building a house there."

Mark's response was, "I never said I was building a house. If I was going to build a house, I can't because there's a church buried underneath."

Schropfer's response was, "I understand that. So that's what it says in the minutes."

When the accusation came up again about discriminating, Charley's response was, "And that typically is the argument in every town where there's an action taken against property for nuisance. The argument is, well, there's all these other properties. You're not doing anything about those. You're discriminating by going after us. That argument is always made in every town whenever a town takes action against property for maintaining the nuisance. And that is no doubt accurate. No doubt there are other properties that could qualify as a nuisance where the board either has tried to take action or may be taking action in the future. But the fact is that there are other nuisances doesn't excuse this property from being a nuisance if it's determined to be a nuisance."

After some debate, a motion was made by Bridges, seconded by Hafer to enter into executive session at 6:34pm due to potential and present litigation. Roll call vote – 4 ayes, 0 nays, 1 vacancy. Motion passed.

At 7:04pm, a motion was made by Hafer, seconded by Schropfer to exit executive session. Roll call vote – 4 ayes, 0 nays, 1 vacancy. Motion passed.

A motion was made by Hafer, seconded by Bridges to deny the appeal and determine the property to be a nuisance violation of Ordinance 3-404, Section F with the order for all broken concrete to be removed and the nuisance to be abated by one year from the date of the order. Roll call vote: 4-ayes, 0 nays, 1 vacancy. Motion passed.

Adjournment

A motion was made by Hafer, seconded by Schropfer to adjourn the meeting at 7:07pm. Roll call vote: 4 ayes, 0 nays, 1 vacancy. Motion passed.

The next regularly scheduled board meeting will be on Monday, November 10th, 2025, at 7:00pm in the Fairmont Village Hall.

ROD EHMEN,
CHAIRMAN

KAREN MARGHEIM,
CLERK/TREASURER