

City of Fort Calhoun

January 16, 2012

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:00 o'clock p.m., on January 16, 2012 in the City Council Chambers/Library at the City Hall in Fort Calhoun, Nebraska. On roll call, the following Council Members answered present: David Genoways, Dave Romans, LeRoy Nelson and Carrie Halford.

Notice of the meeting was given in advance thereof by publication, said form of notice being a designated method for giving notice, an affidavit of publication being attached to these minutes.

Advance notice of this meeting was also given to the Mayor and all Council Members. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council Members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

With a quorum present, the Mayor presided and the Clerk recorded the proceedings.

Mayor Robinson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Mayor Robinson stated persons wishing to address the Governing Body on an agenda item shall wait to be identified by the Mayor; then, after stating their name and address for the record, may proceed to speak. No person, other than the Council and the person having the floor will be permitted to enter into any discussion without the permission of the Mayor.

Member Genoways made a motion seconded by Member Nelson to approve the December 19, 2011 minutes as published. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried.

Member Halford made a motion seconded by Member Genoways to accept the Treasurer's Report as presented. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the following bills for payment:

OPPD, 3,189.38, ult; MUD, 393.14, ult; Papió M-R NRD, 4,038.35, water; Abe's Trash, 41.37, ser; Am. Broadband, 428.41, utl; Auto Creations, 1,929.00, reprs; Blue Cross, 1,909.48, hlth ins; Bomgaars, 341.62, sup; Boyle, Hess, 1,550.00, ser; Calhoun Oil, 1,522.20, fuel; Car Quest, 20.34, sup; Chase Bank/Depository Trust, 1,511.11 & 7,750.00, int; City of Blair, 2,536.26, ser; Cornhusker Press, 55.37, sup; Corpro, 440.00, ser; Data Tech, 67.96, sup; Egr, James, 600.00, ser; Enterprise, 181.61, pub; Ford Credit, 799.73, equip; FCCS, 1,640.00, fees; Great Plains Communications, 14.95, ser; Great Plains One-Call, 31.40, fee; Great Southern Bank Visa, 337.93, postage, sup, tools; Home Depot, 90.00, sup; LNM, 335.00, trng; Maid/USA, 120.00, ser; Matt Parrott, 585.36, sup; Max I. Walkers, 161.44, ser; National Safety, 295.00, dues; NE Dept Rev., 2,125.11, sales tax; NE PH Env Lab, 416.00, tests; NE U.C. Fund, 2,784.00, fees; New Frontier, 38.00, ins; PC Services, 116.00, ser; Postmaster, 158.84, sup; Reyzlik Ace HW, 74.70, sup; Shaw, Hull & Navarrette, 715.76, audit; Solution One, 80.06, sup; Sprint/NEXTEL, 135.05, ser; Schemmer, 3,476.73, ser; Wash. Co. Sheriff, 5,534.27, contract; Wash. Co. Wash. Co. Reg.

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Deeds, 28.00, fee; December Payroll, 29,345.36. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Halford to accept the January 3, 2012 Planning Commission minutes as published. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Romans to accept the January 9, 2012 Enhancement Committee Meeting Minutes as published. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried.

No one from the Enhancement Committee was present.

Bruce Sill and Corban Helmandollar were present; the maintenance report was placed on file. There was discussion on the previous water meter replacement plan (2005) and direction for staff to develop a detailed cost/time proposal, to continue the replacements and integrate the radio read upgrade, at a future meeting. The staff was also directed to set up meeting for the Mayor and Council President with PeopleService, Inc. to discuss the company's previous proposal (August 2011) for water and wastewater operation services.

At 7:16 o'clock p.m., Mayor Robinson stated in accordance with the published notice, it was now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the proposed Ordinance to Adopt Revisions to Floodway and Flood Fringe Districts; defining the same; adopting the Flood Insurance Rate Map (FIRM) and Federal Insurance Administration's Flood Insurance Study (FIS); and illustrative materials dated January 6, 2012; and setting regulations thereof. There were no written or public comments; therefore, Mayor Robinson closed the public hearing at 7:16 p.m.

At 7:16 o'clock p.m., Mayor Robinson stated in accordance with the published notice, it was now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the consideration of Retail Liquor License application for Knight Club Enterprises, LLC, dba Longhorn Bar, 101 South 14th Street, Fort Calhoun, NE. There were no written or public comments; therefore, Mayor Robinson closed the public hearing at 7:17 p.m.

At 7:17 o'clock p.m., Mayor Robinson stated in accordance with the published notice, it was now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the One and Six Year Street Improvement Program for 2012-2018. There were no written comments received. City Engineer Woracek explained recent communications with Washington County and the Nebraska Department of Roads concerning Fort Calhoun projects that are being withdrawn from the Federal-aid transportation funds as they are not included in NDOR's current long-range plans. Following discussion, Mayor Robinson closed the public hearing at 7:27 p.m.

Member Genoways made a motion seconded by Member Nelson to approve the SDL requests from Lori Sandhoefner, representing St. John the Baptist Catholic Church, for the Annual Lenten Fish Fry's, scheduled for the following Fridays: 2/24, 3/02, 3/09, 3/16, 3/23 and 3/30 at Schwertley Hall. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Halford to approve the SDL request from Dan Mussack representing the Blair Cosmopolitan Club, for the 13th Annual Wild Game Feed, scheduled for Friday, February 3, 2012 at Schwertley Hall. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

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Member Genoways made a motion seconded by Member Nelson to approve the SDL request by Melissa Biodrowski, for the Fort Calhoun Fire and Rescue Annual Rumbles Dance, Saturday, February 25, 2012 at the Community Building. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

City Attorney Egr Report: None

City Engineer Woracek Report: None

Economic Development Report: None

Member Romans made a motion seconded by Member Halford to modify the License and Grant of Permission Agreement with Jeff and Kelli Shaner, previously approved on November 21, 2011, by striking "Licensees shall provide the city with a Certificate of Liability Insurance", etc. from lines 56 and 57 of the agreement. With members Romans, Nelson and Halford voting "Aye"; Genoways voting "No", motion carried.

JSG Enterprises, LLC was not present to discuss their request for modification to their License and Grant of Permission Agreement, approved October 17, 2011, therefore there was no discussion and no action taken.

Consideration of bids for scheduled maintenance for interior and exterior cleaning and coating of the Water Tower: Rick Smith with Caldwell Tanks, Inc. was present with their inspection report and bid; bid documents from Cunningham Sandblasting & Painting Co, Inc. and McGuire Iron, Inc. were also provided, all subject to other optional services; was tabled to the regular February 20, 2012 meeting. Member Genoways will contact Dick Sklenar, Papio-Missouri River NRD to inquire about a previously proposed joint water tower project with the city; and further study of the three bids by staff and the city engineer.

Member Romans reported on discussions concerning the city waiving permit fees or flood victims, and that the consideration was unnecessary and should be tabled indefinitely.

Member Genoways, President and Sewer Commissioner, reported that he has made initial contact with the City of Blair to establish Mitigation Plans/time-line for possible measures to be taken for the protection of the Discharge Structure and the Conveyance Line; but he now needs to discuss options/plans with the city engineer.

Mayor Robinson postponed the following appointment recommendations: City Prosecutor and Park Board (one open position), to the regularly scheduled February meeting.

Member Genoways moved for approval of the second reading of Ordinance No. 672 entitled:

AN ORDINANCE TO ADOPT A REVISION TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF FORT CALHOUN, NEBRASKA, AS REQUIRED BY NEB. REV. STAT. §19-903 (R.S.S. 1996), AS AMENDED, PURSUANT TO LB 997 (2010); TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Member Romans seconded the motion for approval of the second reading of Ordinance No. 672 and upon roll call vote, the following Council Members voted AYE: Nelson, Halford, Genoways and Romans. The following voted NO: NONE; Absent: NONE. Motion carried, the third reading of Ordinance No. 672 will be at the regularly scheduled February meeting.

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Member Genoways introduced Ordinance No. 673 entitled:

AN ORDINANCE TO AMEND THE CAPITAL FACILITIES CHARGES FOR CONNECTIONS TO THE CITY WATER SYSTEM, TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE AN EFFECTIVE DATE FOR THE OPERATION HEREOF.

and moved that the statutory rule requiring reading on three different days be suspended. Member Nelson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Halford, Genoways, Romans and Nelson. ABSENT: None. Voting NO: None. The motion to suspend the rules was adopted by three-fourths of the City Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Member Genoways moved for final passage of the ordinance, which motion was seconded by Member Nelson. The Mayor then stated the question was "Shall Ordinance No. 673 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Genoways, Romans, Nelson and Halford. ABSENT: None. Voting NO: None. The passage and adoption of said ordinance having been concurred in by three-fourths of all members of the Mayor and City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

Member Genoways then introduced Ordinance No. 674 entitled:

AN ORDINANCE AMENDING SECTION 4-205 OF ARTICLE II OF CHAPTER IV OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA, RELATING TO LIQUOR REGULATIONS - HOURS OF SALE; REPEALING SAID SECTION 4-205 OF ARTICLE II OF CHAPTER IV AND ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.

and moved that the statutory rule requiring reading on three different days be suspended. Member Romans seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Romans, Nelsons, Halford and Genoways. ABSENT: None. Voting NO: None. The motion to suspend the rules was adopted by three-fourths of the City Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Member Romans moved for final passage of the ordinance, which motion was seconded by Member Genoways. The Mayor then stated the question was "Shall Ordinance No. 674 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Nelson, Halford, Genoways and Romans. ABSENT: None. Voting NO: None. The passage and adoption of said ordinance having been concurred in by three-fourths of all members of the Mayor and City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

Member Romans then introduced Ordinance No. 675 entitled:

AN ORDINANCE INTRODUCED BY THE GOVERNING BODY REVISING FLOODWAY AND FLOOD FRINGE DISTRICTS; DEFINING THE SAME; ADOPTING THE FLOOD INSURANCE RATE MAP (FIRM) AND FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE STUDY (FIS); AND ILLUSTRATIVE MATERIALS DATED JANUARY 6, 2012;

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AND SETTING FORTH REGULATIONS THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

and moved that the statutory rule requiring reading on three different days be suspended. Member Halford seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Halford, Genoways, Romans and Nelson. ABSENT: None. Voting NO: None. The motion to suspend the rules was adopted by three-fourths of the City Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Member Genoways moved for final passage of the ordinance, which motion was seconded by Member Nelson. The Mayor then stated the question was "Shall Ordinance No. 675 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Genoways, Romans, Nelson and Halford. ABSENT: None. Voting NO: None. The passage and adoption of said ordinance having been concurred in by three-fourths of all members of the Mayor and City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

Member Genoways then introduced Ordinance No. 676 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO PROVIDE A TIME WHEN THE MAYOR SHALL TAKE OFFICE AFTER ELECTION; TO ESTABLISH TERMS OF OFFICE FOR APPOINTED OFFICIALS; TO REPEAL ALL CONFLICTING PROVISIONS OF OTHER ORDINANCES OR PARTS THEREOF; AND TO PROVIDE AN EFFECTIVE DATE

and moved that the statutory rule requiring reading on three different days be suspended. Member Nelson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Romans, Nelson, Halford and Genoways. ABSENT: None. Voting NO: None. The motion to suspend the rules was adopted by three-fourths of the City Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Member Romans moved for final passage of the ordinance, which motion was seconded by Member Nelson. The Mayor then stated the question was "Shall Ordinance No. 676 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Nelson, Halford, Genoways and Romans. ABSENT: None. Voting NO: None. The passage and adoption of said ordinance having been concurred in by three-fourths of all members of the Mayor and City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

Resolution No. 2012-01 Establishing Traffic Control on Lincoln Street at 15th Street was tabled to the regularly scheduled February meeting.

The request from the Fort Calhoun Community Schools for the City Council to officially designate a No Parking Zone on the south side of Monroe Street to encompass approximately 1/3 of the block at the west end of the block running from 10th Street to 11th Street; and to relocate the crosswalk signs and to provide additional crosswalk signage on Monroe Street and 11th Street. The clerk was directed to prepare a Resolution for the regularly scheduled February meeting.

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Member Genoways made a motion seconded by Member Nelson to approve the Retail Liquor License Application for Knight Club Enterprises, LLC, dba Longhorn Bar, 101 South 14th Street, Fort Calhoun. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Romans to approve council member requests to attend the League of Nebraska Municipalities 2012 Midwinter Conference, "Local Government – Lifeblood of the State", February 27-28 at the Cornhusker Marriott Hotel in Lincoln. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

Public Comments: Jeanne Knight asked if Keno Funds could be used for the water meter replacements previously discussed. Member Genoways and Attorney Egr responded with concern that since the water department is considered an enterprise of the city, the possibility was unlikely. The suggestion will be looked into.

Future agenda items: Girl Scout Junior Troop 178 will be in attendance for a proclamation reading; Paula Hazelwood, Executive Director of Gateway Development Corporation and Jan Kauk, Executive Director of Heartland Workforce Solutions will present information, and the One and Six Year Street Improvement Program will be considered for approval and submittal to the NDOR.

Member Genoways made a motion seconded by Member Halford to go into closed session for a strategy session to review job performance, and pending litigation; clearly necessary for the protection of public interest and/or the prevention of needless injury to reputation. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

After the vote, Mayor Robinson stated for the record, the motion was made, seconded and carried for the council to go into closed session to discuss job performance and pending litigation; necessary for the protection of public interest and/or prevention of needless injury to reputation. Mayor Robinson declared the meeting in closed session at 8:16 p.m.

Member Nelson made a motion seconded by Member Halford to return to open session. With all members present voting "Aye", motion carried and Mayor Robinson declared the meeting in open session at 9:14 p.m.

Member Romans made a motion seconded by Member Nelson to adjourn. With all members present voting "Aye", the meeting adjourned at 9:14 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk