

City of Fort Calhoun

January 17, 2011

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:30 o'clock p.m., on January 17, 2011 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, 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.

Member Nelson made a motion seconded by Member Genoways to approve the December 20, 2010 and the January 3, 2011 minutes as published. With members, Nelson, Genoways and Halford voting "Aye"; motion carried.

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

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

OPPD, 3,204.86, ult; MUD, 531.99, ult; Papio M-R NRD, 3,828.35, water; Abe's Trash, 40.48, ser; Am. Broadband, 426.47, utl; Barco, 275.00, sup; Blair Book, 10.69, sup; Blue Cross, 2,059.54, hlth ins; Bomgaars, 73.64, sup; Boyle Hess, 1,580.00, audits; Calhoun Oil, 742.11, fuel; Cedar Constr., 220.00, ser; City of Blair, 3,377.05, ser; Corrpro, 417.50, ser; Data Tech, 14.06, sup; Downs Electric, 244.16, ser; Depository Trust, 8,350.00, int; Egr, James, 1,100.00, ser; Enterprise, 331.71, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 15.60, fee; Great Southern Bank Visa, 65.40, rpr; Lottery Tax, 790.00; Maid/USA, 120.00, ser; Max I. Walkers, 135.76, ser; NMC, 21,683.00, equip; NE Dept Rev., 1,902.51, sales tax; NE Pub Health, 10.00, test; New Frontier, 81.00, ins; PC Services, 116.00, ser; Postmaster, 139.48, sup; Quill, 114.87, sup; Shaw, Hull, Navarrette, 4,326.52, audit; Schemmer, 1,895.48, ser; Solution One, 42.02, sup; Sprint/NEXTEL, 161.52, ser; Washington County Sheriff, 5,534.27, contract; Washington County Treas., 900.00, sup; P. Welchert, 1,775.00, ser; December Payroll, 27,442.68. With members Genoways, Nelson and Halford voting "Aye"; motion carried.

Washington County Sheriff Report – Department will be getting bids in Feb/Mar for new patrol car; requested a Dog Committee meeting be scheduled.

Member Genoways made a motion seconded by Member Halford to accept the January 3, 2011 Planning Commission minutes as presented. With members Nelson, Halford and Genoways voted "Aye", motion carried.

At 7:34 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 2011-2017 Fort Calhoun "One and Six Year Street Improvement Program" draft.

City of Fort Calhoun

Mayor Robinson asked the clerk if any written comments had been received: None

Mayor Robinson then asked if there were any persons present who wished to be heard concerning the proposed program. Following comments from Tim Oelke concerning the Monroe Street Project listed in the six year report; requesting it be moved or eliminated and be replaced by a project for sidewalks on South 10th Street, Madison to Clay, and comments from Halford and Genoways, Mayor Robinson declared the public hearing closed at 7:40 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 3/11, 3/18, 3/25, 4/01, 4/08 and 4/15 at Schwertley Hall. With members Halford, Genoways, and Nelson voting "Aye", motion carried.

Mayor Robinson recommended David Romans to fill the remaining two years of the vacated 2009-2012 city council term. Member Halford made a motion seconded by Member Nelson to confirm the appointment of David Romans to the City Council. With members, Genoways, Nelson and Halford voting "Aye", motion carried.

Mayor Robinson made recommendation that David Genoways be elected as Council President for 2011. Member Nelson made a motion seconded by Member Romans to elect Member Genoways as Council President. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Mayor Robinson recommended the following Commissioner appointments: Street – Romans, Water - Nelson, Sewer - Genoways and Park – Halford. Member Genoways made a motion seconded by Member Nelson to confirm those appointments. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Mayor Robinson recommended that John McNamara remain in the position of City Prosecutor. Member Genoways made a motion seconded by Member Halford to confirm that appointment. With members Genoways, Romans, Nelson and Halford voting "Aye," motion carried.

Appointment of members to the Board of Adjustment was tabled until the regularly meeting scheduled for February 21, 2011.

City Attorney Egr reported that depositions are pending prior to going to trial on the Complaint filed by Jeannie Knight, ETAL against the city, dates have not been confirmed.

City Engineer Woracek reported the suggestions on the sidewalk and repairs pending at Great Southern Bank have been revised into the plan and the plans are pending with the NDOR for a R.O.W. permit. He stated the city should receive a month's notice before construction so the 40 plus year-old tube can be replaced with a concrete one while the area is open.

Economic Development: Paula Hazelwood, Executive Director of Gateway Development Corporation, introduced herself to the new mayor and council members, giving an overview of Gateway Development Corporation's history, public and private partnerships and the extensive process Gateway is helping the city with to prepare and package for submittal, an application to become a Certified Community with the Nebraska Department of Economic Development. This certification will be a tool for working toward economic development for the community and when applying for Economic Development opportunities and funding. Following discussion, Member Genoways moved RESOLUTION NO. 2011 - 01 be adopted. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Halford, Genoways, Romans and Nelson. The following voted "Nay": NONE. Motion carried.

A true and complete copy of the said resolution is as follows:

RESOLUTION NO. 2011 -01

WHEREAS, the City of Fort Calhoun, Nebraska desires to promote Economic Development for the City and is processing a Certified Community Application for the same; and,

WHEREAS, the City has a “working” relationship with GATEWAY DEVELOPMENT CORPORATION, who is involved in community economic development; and,

WHEREAS, the City did approve on September 20, 2010 at a City Council Meeting, Resolution No. 2010 – 08 approving an initial Right of First Refusal/First Option to Purchase Real Estate, signed by the 2007 – 2010 mayor; and,

WHEREAS, the city elected a new mayor in the Statewide General Election on November 2, 2010, who took the Oath of Office on December 20, 1010; and,

WHEREAS, the City owns 77.5 acres, more or less of land, available and suggested to be used for economic development; and,

WHEREAS, GATEWAY DEVELOPMENT CORPORATION desires a Right of First Refusal to Purchase Real Estate for the 77.5 acres, more or less, the City has available for economic development;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

1. The newly elected Mayor of the City of Fort Calhoun, Nebraska is hereby authorized to execute a Right of First Refusal To Purchase Real Estate as per Exhibit “I” attached hereto and incorporated herein by reference as if fully set forth.
2. The Mayor with the approval of the City Council may negotiate terms in Exhibit “I” to effectuate the final terms and conditions of said Right Of First Refusal To Purchase Real Estate should a Purchaser be obtained for the above referenced 77.5 acres, more or less.
3. The Purchase Price of the said tract would be considered at a nominal value should a Purchaser be obtained who will put significant improvements on the real estate and offer, provide, and carry out hiring for new jobs in the area of the City.
4. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED JANUARY 17, 2011

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Linda Welsher, CMC, City Clerk

Member Genoways introduced the following Ordinance No. 661 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO AMEND SECTION 1-1001 OF THE MUNICIPAL CODE RELATED TO BOARD OF PARK COMMISSIONERS; CHANGING THE NUMBER OF MEMBERS; CLARIFYING NONVOTING MEMBERS; PROVIDING FOR A QUORUM; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO ESTABLISH WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

City of Fort Calhoun

and moved that the statutory rule requiring reading on three different days be suspended. Member Nelson seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Genoways, Romans, Nelson and Halford. 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 Romans. The Mayor then stated the question was "Shall Ordinance No. 661 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Romans, Nelson, Halford and Genoways. 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 introduced the following Ordinance No. 662 entitled:

AN ORDINANCE TO VACATE NORTH 11TH STREET FROM THE MONROE STREET RIGHT-OF-WAY TO THE ADAMS STREET RIGHT-OF-WAY BETWEEN BLOCK 36 AND BLOCK 37; AND TO VACATE THE ALLEYS IN BLOCK 36 AND 37 WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, AS DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

for the first reading. Member Nelson seconded the motion and following discussion, on roll call the following Council Members voted AYE: Halford, Genoways, Nelson and Romans. ABSENT: None. Voting NO: None. The motion to approve the first reading was approved. The second reading will be at the regularly scheduled meeting on February 21, 2011.

Member Genoways then introduced Ordinance No. 663 entitled:

AN ORDINANCE TO AMEND SECTION 6-210 OF CHAPTER VI, ARTICLE II OF THE FORT CALHOUN, NEBRASKA REVISED MUNICIPAL CODE (ORDINANCE NO. 529, PASSED AND APPROVED NOVEMBER 18, 2002), TO PROVIDE A CURRENT SCHEDULE OF CAPITAL FACILITIES CHARGES FOR CONNECTIONS TO THE CITY WATER SYSTEM, TO REPEAL ORIGINAL SECTION 6-210 AND 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: Genoways, Romans, Nelson and Halford. 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 Halford. The Mayor then stated the question was "Shall Ordinance No. 663 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Romans, Nelson, Halford, and Genoways. 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.

City of Fort Calhoun

Mayor Robinson recommended the following Park Board appointments: Laura Shaner (3 yrs); Kelli Shaner (3yrs); Sidney Genoways (3yrs); Mike Bonacci (2yrs); Brett Greenough (1yr). Member Genoways made a motion seconded by Member Halford to confirm the appointments. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve mayor and council member's attendance at the Nebraska Municipalities 2011 Midwinter Conference, February 28 – March 1 at the Cornhusker Marriott Hotel in Lincoln. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried. Members were reminded the delegate registrations are due February 10.

The city attorney asked if Fort Calhoun would help with his registration fee – the Mayor said it would be considered at the regularly scheduled meeting on February 21, 2011.

Public Comments: None

Member Nelson made a motion seconded by Member Halford to adjourn. With all members voting "Aye", the meeting adjourned at 8:23 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk