

## City of Fort Calhoun

February 21, 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 February 21, 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, 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.

Member Genoways made a motion seconded by Member Nelson to approve the January 17, 2011 minutes as published. With members Romans, Nelson, Halford and Genoways voting "Aye"; motion carried.

Member Nelson 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 Romans to approve the following bills for payment:

OPPD, 3,208.42, ult; MUD, 665.75, ult; Papio M-R NRD, 5,161.85, water; Abe's Trash, 40.68, ser; Am. Broadband, 427.92, utl; All Am. Towing, 110.00, ser; Blair Book, 37.99, sup; Blue Cross, 1,718.08, hlth ins; Bomgaars, 214.34, sup; Boyle Hess, 180.00, audit; Calhoun Oil, 1,089.35, fuel; C & C Complete, 2,104.00, rpr; City of Blair, 3,094.45, ser; DHHS-DPH, 80.00, trng; Egr, James, 1,925.00, ser; Enterprise, 336.86, pub; FCCS, 1,640.00, fees; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 7.07, fee; Great Southern Bank Visa, 912.61, trng, sup, fees, fuel; JCG Tech, 5,209.85, sup; Maid/USA, 120.00, ser; Max I. Walkers, 111.76, ser; Matt Parrott, 585.61, sup; NMC, 69.16, rpr; NE Dept Rev., 2,019.47, sales tax; NPHEL, 202.00, test; NPZA, 35.00, fee; NeRWA, 150.00, fee; New Frontier, 1,285.00, ins; PC Services, 116.00, ser; Postmaster, 153.76, sup; Road Builders, 34.84, rpr; SE Smith, 110.34, sup; Shaw, Hull, Navarrette, 1,030.00, audit; Schemmer, 1,438.97, ser; Smithers, 150.00, ser; Solution One, 59.06, sup; Sprint/NEXTEL, 134.92, ser; Tech Maint, 1,116.90, ser; Washington County Sheriff, 5,534.27, contract; January Payroll, 13,834.71. With members Halford, Genoways, Romans and Nelson voting "Aye"; motion carried.

Washington County Sheriff Report – Dog Committee met February 15; Member Genoways is incorporating suggestions into draft Ordinance for review in March.

Member Genoways made a motion seconded by Member Nelson to accept the February 7, 2011 Planning Commission minutes as presented. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

The February 3, 2011 Park Board Minutes and the February 11, 2011 Enhancement Committee Minutes were accepted as presented, by general consensus.

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Member Halford made a motion seconded by Member Genoways to approve the Park Board's recommendation the revised Concession Stand Agreement as to form. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Romans to approve the Park Board's recommendation that the Field Uses Fees for 2011 stay the same as 2010 and that Non-Calhoun Team be defined as "Any team based outside of Fort Calhoun". With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Halford to approve the Park Boards recommendation that Jeannie Jones continue as the Field Use Scheduler for the 2011 Season, if she is interested. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the Enhancement Committees recommendation to purchase a two-post, 5'x6', 180 word Historical Marker for placement on Washington Square, near the JC Field – at a cost of \$4,700 and \$250.00 for placement and initial landscaping (proposed Eagle Scout Project by Spencer Mink). Following comments and questions members Nelson, Halford, Genoways and Romans voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Halford to approve the Enhancement Committees request to use Lottery Funds in the amount of \$2,475.00 to cover half of the cost of the Historical Marker. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Romans to approve the SDL alternate date request listed on the Blair Cosmopolitan Club's Wild Game Feed application, (March 4, 2011) in addition to the previously approved scheduled date. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

Member Romans made a motion seconded by Member Nelson to approve the SDL request by Mike Smith for the Fort Calhoun Fire and Rescue Annual Spring Dance, March 5, 2011 at the Community Building. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried.

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

City Attorney Egr requested that the discussion of pending legal matters be deferred to closed session at the end of the meeting.

Member Genoways made a motion seconded by Member Nelson to approve the city pay up to \$100.00 towards the City Attorney's attendance at the LMN Midwinter Conference. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

City Engineer Woracek presented the draft Professional Service Agreement for City Street and Storm Sewer Improvements around the elementary school property and also reviewed possible scopes of the projects.

Member Genoways made a motion seconded by Member Nelson to approve the proposed Professional Service Agreement with the Schemmer Associates for City Street and Storm Sewer Improvements adjacent to the Elementary School Addition Project. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried. The City Engineer was directed to get several different proposals for consideration at the next regularly meeting scheduled for March 21, 2011. He was also directed to communicate with school administration about the approximately 150' of sanitary sewer that will be abandoned in the vacated 11<sup>th</sup> Street Right-of-Way.

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Member Romans recommended approval of the second reading of Ordinance No. 662 entitled:

AN ORDINANCE TO VACATE NORTH 11<sup>TH</sup> 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.

Member Genoways seconded the motion and following discussion, Member Genoways made a motion seconded by Member Halford to amend Ordinance No. 662 to set specific effective dates for the vacations of the alleys (upon approval and publication) and North 11<sup>th</sup> Street (May 21, 2011). On roll call the following Council Members voted AYE on the amendment: Nelson, Halford, Genoways and Romans. ABSENT: None. Voting NO: None. The motion to approve the amendment was approved.

Mayor Robinson then called for a vote on the original motion to approve the second reading of Ordinance No. 662. On roll call the following Council Members voted AYE: Halford, Genoways, Romans and Nelson.

The third and final reading will be at the regularly scheduled meeting on March 21, 2011.

Member Halford introduced Ordinance No. 664 entitled:

AN ORDINANCE AMENDING ARTICLE III – ADMINISTRATION SECTION 1-309: MEETINGS; CITY COUNCIL, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. *(New City Council Meeting time 7:00 p.m.)*

Seconded by Member Romans and upon roll call vote on the motion the following Council Members voted AYE: Genoways, Romans, Nelson and Halford.

Member Genoways 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 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. 664 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 Genoways introduced the following Ordinance No. 665 entitled:

### ORDINANCE NO. 665

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING CERTAIN STREET IMPROVEMENT DISTRICTS WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NOS. 2011-1 AND 2011-2; DEFINING THE BOUNDARIES OF SAID DISTRICTS AND THE PROPERTY CONTAINED THEREIN; AND,

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PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF REMOVAL OF EXISTING STREET AS NECESSARY, GRADING AND CONSTRUCTION OF CURB AND GUTTER, PAVING AND STORM SEWER IMPROVEMENTS, SIDEWALKS AND PEDESTRIAN WAYS, TRAFFIC SIGNAGE, DROP-OFF LANES AND PARKING AREAS, TOGETHER WITH SUCH OTHER APPURTENANCES AS MAY BE INCIDENTAL THERETO.

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: Nelson, Halford, Genoways and Romans. 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. 665 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Halford, Genoways, Romans and Nelson. 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 moved RESOLUTION NO. 2011 - 02 be adopted. Motion seconded by Member Romans. On roll call, the following voted "Aye": Genoways, Romans, Nelson and Halford. The following voted "Nay": NONE. Motion carried.

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

RESOLUTION NO. 2011 – 02

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, THAT THE 2011/2017 ONE AND SIX-YEAR PLAN FOR THE CONSTRUCTION MAINTENANCE, AND REPAIR OF THE STREETS OF THE CITY OF FORT CALHOUN, NEBRASKA, AS PREPARED BY THE CITY STREET SUPERINTENDENT AND AS AMENDED BY THE CITY COUNCIL BE AND IS HEREBY ADOPTED.

BE IT FURTHER RESOLVED THAT A CERTIFIED COPY OF SAID PLAN BE FILED WITH THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, STATE OF NEBRASKA.

ADOPTED THIS 21<sup>st</sup> DAY OF FEBRUARY 2011

MITCH ROBINSON, MAYOR

ATTEST:

LINDA WELSHER, CMC, CITY CLERK

Agenda items 18) A Resolution approving plans, specifications and estimate of cost for certain Storm Sewer Improvements; 19) A Resolution of Necessity for Storm Water Sewer District No. 2011-1, and 20) A Resolution setting a date and time for Public Hearing for Storm Water Sewer District No. 2011-1 were all tabled until the next regularly meeting scheduled for March 21, 2011.

Member Genoways moved RESOLUTION NO. 2011 - 03 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 - 03

RESOLUTION FOR TRAFFIC CONTROL

WHEREAS, the City of Fort Calhoun, Nebraska as a Municipal Corporation has the authority to regulate traffic matters within its Corporate Limits; and

WHEREAS, the City of Fort Calhoun, Nebraska is interested in the public health and safety of the citizens of the City; and,

WHEREAS, the City of Fort Calhoun, Nebraska desires to establish the following traffic control, to-wit:

**Requiring a complete stop on South 10<sup>th</sup> Street when traveling north at Madison Street**

under the City's statutorily granted regulation powers.

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

1. The following traffic regulation and/or regulating device is adopted, to-wit:  
**A Stop Sign on the southeast corner of South 10<sup>th</sup> Street at Madison Street**
2. The effective date of the aforesaid traffic regulation and/or regulatory device will be as follows; to-wit:  
**March 7, 2011**
3. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED FEBRUARY 21, 2011

CITY OF FORT CALHOUN, NEBRASKA  
Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Member Genoways made a motion seconded by Member Romans to approve authorization for the Mayor to sign an updated agreement with Great Plains One Call Service, Inc. d/b/a Digger's Hotline of Nebraska. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

Member Romans made a motion seconded by Member Genoways to approve authorization for the Mayor to sign a letter of request for rebate of Capital Facilities Charges towards the 2010 extension of the City's water distribution system under the Articles of Agreements with the NRD and MUD.

Member Genoways made a motion seconded by Member Nelson to approve the attendance of Sam Ruma, Ralph Carter, Rich Johnson and Eric Herbert at the Nebraska Planning and Zoning Conference, March 30, 31 and April 1 in Grand Island, Nebraska. Following discussion members Nelson, Halford, Genoways and Romans voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Romans to approve the purchase of Retro-fit component chain link guard rail systems for six sets of bleachers at Lion's Field, \$8,464.50 from the Park Fund for safety and loss prevention purposes. Following discussion, members Halford, Genoways, Romans and Nelson voted "Aye", motion carried.

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Mayor Robinson noted the receipt of a letter from the Papio-Missouri River NRD advising the city of the March 7<sup>th</sup> temporary switch of water supply from MUD to the City of Blair for 4 – 6 weeks. The letter was placed on file.

Public Comments: Maintenance Supervisor Steve Becker informed the Council that he will be in Columbus for the annual Water Conference, March 21 – 23.

Member Genoways made a motion seconded by Member Romans to go into closed session for a strategy session with respect to pending litigation of the Knight/Welchert Case, clearly necessary for the protection of public interest. There being no discussion, members Genoways, Romans, Nelson and Halford voted “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 strategize pending litigation of the Knight/Welchert Case. Mayor Robinson declared the meeting in closed session at 8:30 p.m.

The council returned to open session at 8:59 p.m.

Member Romans made a motion seconded by Member Halford to adjourn. With all members voting “Aye”, the meeting adjourned at 9:00 p.m.

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Mitch Robinson, Mayor

ATTEST:

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Linda Welsher, CMC, City Clerk