

City of Fort Calhoun

March 21, 2011

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:00 o'clock p.m., on March 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 Nelson made a motion seconded by Member Genoways to approve the February 21 and March 9, 2011 minutes as published. With members Romans, Nelson, Halford and Genoways voting "Aye"; motion carried.

Member Genoways made a motion seconded by Member Romans 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 as amended:

OPPD, 3,107.83 & 626.37, ult; MUD, 508.37, ult; Papio M-R NRD, 4,525.85, water; Abe's Trash, 40.85, ser; Am. Broadband, 430.24, utl; Bi-State Motors, 124.94 sup; Blue Cross, 1,226.64, hlth ins; Bomgaars, 375.72, sup; Calhoun Oil, 993.63, fuel; Chase Bank/Depository Trust, 12,952.50, int; City of Blair, 3,192.33, ser; Deluxe Checks, 235.56, sup; DHHS-DPH, 94.00, trng; Egr, James, 1,050.00, ser; Enterprise, 53.61, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 12.89, fee; Great Southern Bank Visa, 133.57, sup; Maid/USA, 120.00, ser; Max I. Walkers, 139.70, ser; NE State Historical Society, 4,700.00, historical marker; NE Dept Rev., 2,047.75, sales tax; NPHEL, 224.00, test; New Frontier, 1,001.00, ins; PC Services, 116.00, ser; Postmaster, 109.76, sup; Quill, 147.36, sup; Sensus, 1,452.00, ser; Shaw, Hull, Navarrette, 273.41, audit; Simplex/Grinnell, 73.00, ser; Schemmer, 5,403.04, ser; Solution One, 49.58, sup; Sprint/NEXTEL, 134.92, ser; The Cornhusker, 119.00, trng; UECO, 416.58, sup; Washington County Sheriff, 5,534.27, contract; C. Helmandollar, 46.65, reimb; February Payroll, 14,622.17. With members Halford, Genoways, Romans and Nelson voting "Aye"; motion carried.

Washington County Sheriff Robinson presented information on vehicle options/per contract. Member Nelson made a motion seconded by Member Genoways to approve the bid for a 2011 Dodge Charger with Police Package in the amount of 22,764.00 with trade-in; financing through Washington County Bank. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

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

City of Fort Calhoun

Status of the substandard trailer on Lot 15 of the Mobile Park at 1109 Madison Street: the Building Inspector has viewed the trailer and the City attorney, Jim Egr pointed out that the building inspector advised that the trailer is unsafe and a danger – the Resolution listed as Item # 18 should be considered later in the agenda.

Member Genoways made a motion seconded by Member Romans to accept the March 3, 2011 Park Board Minutes as presented. With members Romans, Nelson, Halford and Genoways voting “aye”, motion carried.

Member Nelson made a motion seconded by Genoways to continue the pest control of the pine trees. Following discussion concerning the loss of a number of pine trees the past two years it was determined that a better investment would be to start replacing the dead trees; upon roll call the following members voted “No”, Genoways, Halford, Nelson and Romans. Motion failed.

Member Genoways made a motion seconded by Member Romans to accept the March 7, 2011 Enhancement Committee minutes as presented. With members Romans, Nelson, Halford and Genoways voting “Aye”, motion carried. The Mayor noted the next meeting will be on the second Monday, April 11, 2011 at the Rustic Inn.

At 7:21 o'clock p.m., Mayor Robinson stated in accordance with the published notice, it was now time to conduct the public hearing to hear testimony regarding the reputation and experience of the applicants for licenses to sell fireworks within the city and to hear assessments regarding site suitability and compliance with all city and state fireworks safety and sales regulations. Applicants were as follows: Paul Janecek, The American Legion Post 348, The Fort Calhoun Community Club (previously the Jaycees) and Wild Willy's Fireworks, LLC. One written comment from the Fort Calhoun Volunteer Fire Chief was read and Members Genoways and Romans asked about the Fort Calhoun Community Club; following comments Mayor Robinson closed the public hearing at 7:25 p.m.

Appointment of members to the Board of Adjustment was again tabled until the next regularly scheduled meeting, April 18, 2011.

City Attorney Egr requested that the discussion of pending legal matters be deferred to closed session at the end of the meeting and stated the Dangerous Building Resolution should be discussed under the agenda item as listed.

The City's Engineer presented information concerning the construction of certain storm sewer improvements in the City of Fort Calhoun, consisting of Storm Water Sewer District No. 2011-1, which includes storm water sewer improvements in (a) Monroe Street from 14th Street east to 9th Street; (b) North 10th Street from Adams Street south to Monroe Street; and (c) Adams Street from North 11th Street east to a point 190 feet east of North 10th Street. The Engineer commented on the various plans, specifications and estimates of cost including construction alternatives which may be included as set out in the detailed plans and estimates of cost or which may be deleted and not constructed at this time.

Member Genoways made a motion seconded by Member Nelson to consider the five various plans proposed for the storm water sewer improvements. Following discussion thereof, Council Member Genoways amended his motion to direct the city engineer to proceed with the full design, Option “E”, for Storm Water Sewer Improvement on Monroe Street from 14th Street to the Urban Drainageway east of 10th Street, under Monroe Street. The amended motion was seconded by Council Member Nelson. On roll call the following members voted: “Aye”, Nelson, Halford and Genoways. The following voted: “No”, Romans. Absent: None. The mayor declared the motion carried.

There was no Economic Development Report this month.

The City Clerk directed attention to an error on the agenda: No action item was listed for the Fireworks Licenses. Mayor Robinson announced a special meeting will be scheduled for Wednesday, March 23, 2011 at 6:00

City of Fort Calhoun

p.m. to consider approval of the five Fireworks license applications discussed in the earlier public hearing. Notice to be posted.

Council Member Genoways then moved the passage of the following RESOLUTION NO. 2011 – 04. Motion seconded by Council Member Nelson. After discussion, on roll call, the following voted “Aye”: Nelson, Halford, Genoways and Romans. The following voted “No”: None. Absent: None. The Mayor declared the motion carried and the Resolution passed and adopted.

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

RESOLUTION 2011 - 04

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR CERTAIN STORM SEWER IMPROVEMENTS PREPARED BY THE CITY'S ENGINEERS TO BE CONSTRUCTED IN STORM WATER SEWER DISTRICT NO. 2011-1

BE IT RESOLVED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

That the plans, specifications and estimate of cost of \$244,500.00 filed by the City's Engineers, The Schemmer Associates in the office of the City Clerk on the 21st day of MARCH 2011, for the construction of certain storm sewer improvements in Storm Water Sewer District No. 2011-1, consisting of and including storm water sewer improvements in (a) Monroe Street from 14th Street east to 9th Street; (b) North 10th Street from Adams Street south to Monroe Street; and (c) Adams Street from North 11th Street east to a point 190 feet east of North 10th Street, be and the same are hereby approved.

PASSED this 21ST day of MARCH 2011

CITY OF FORT CALHOUN, NEBRASKA
By: Mitch Robinson, Mayor

ATTEST:
Linda Welsher, CMC, City Clerk

The City’s Fiscal Agent and the Clerk presented a proposed Resolution of Necessity for the creation of City of Fort Calhoun storm water sewer improvements consisting of Storm Water Sewer District No. 2011-1 consisting of and including storm water sewer improvements in (a) Monroe Street from 14th Street east to 9th Street; (b) North 10th Street from Adams Street south to Monroe Street; and (c) Adams Street from North 11th Street east to a point 190 feet east of North 10th Street for the construction of certain storm drainage improvements. Council Member Genoways introduced Resolution No. 2011 – 05 and moved its adoption. Motion seconded by Council Member Romans. The City’s legal counsel and the City’s fiscal agent advised the Mayor and Council that a final vote on the proposed resolution is to be deferred until a public hearing is held on the matter and that it would be necessary to publish the proposed Resolution of Necessity and Notice of Hearing on said proposed resolution in the Pilot-Tribune, a legal newspaper of general circulation in the City, for two consecutive weeks after which publication a public hearing would be held and following such hearing the Resolution of Necessity could then be considered for final passage by vote of the City Council.

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

RESOLUTION NO. 2011- 05

RESOLUTION OF NECESSITY

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, AS FOLLOWS:

City of Fort Calhoun

1. The Mayor and Council hereby find and determine that under the provisions of Sections 17-913 through 17-925 Reissue Revised Statutes of Nebraska, Reissue of 2007, upon determination by the mayor and city council of a city of the second class deeming it advisable or necessary to build, reconstruct, purchase, or otherwise acquire a sanitary sewer or storm water sewer constructed or to be constructed in whole or in part inside or outside said city, said city shall declare the advisability in a proposed resolution.

2. The Mayor and City Council further find and determine that being advised in the premises thereof, that it is necessary and advisable to construct certain storm water sewer improvements to the City's storm water sewer system consisting of the following: Storm Sewer Improvements to be designated Storm Water Sewer District No. 2011-1 to be constructed and consisting of and including storm water sewer improvements in (a) Monroe Street from 14th Street east to 9th Street; (b) North 10th Street from Adams Street south to Monroe Street; and (c) Adams Street from North 11th Street east to a point 190 feet east of North 10th Street.

3. The outer boundaries of Storm Water Sewer District No. 2011-1 shall include all property located within the corporate limits of the City of Fort Calhoun, Nebraska.

4. The size, kind and location and terminal points of storm water sewer inlets, surface structures and storm water pipe and storm water sewers proposed to be constructed as a part of said additions and improvements in Storm Water Sewer District No. 2011- 1 are as follows:

All lot numbers and street names refer to the plats of Fort Calhoun – Original Townsite of the City of Fort Calhoun as platted and recorded in Washington County, Nebraska.

A 24" RCP and 30" RCP storm sewer improvement in Adams Street between 11th Street and 10th Street. Said improvements to include curb inlets, manholes, pipe and structure removals, inlet lead pipe, pavement removal and replacement, modification to existing structures and all related appurtenances.

A 36" RPC storm sewer improvement in Adams Street from 10th Street east approximately 190 feet. Said improvements to include manholes, curb inlets, outlet treatment, driveway pavement removal and replacement and all related appurtenances.

A 15" RCP storm sewer improvement in 10th Street, Adams to Monroe Street. Said improvement to include curb inlet, pipe and structure removals and all related appurtenances.

A 24" RCP and 30" RCP storm sewer improvement in Monroe Street from 12th Street to approximately 200 feet east of 10th Street. Said improvements to include curb inlets, area inlets, manholes, inlet lead pipes, RCP FES, connection to existing 48" RCP Culvert, pavement removal and replacement, culvert removals and all related appurtenances.

5. Reference is hereby made to the plans and specifications for said additions and improvements which have been prepared by The Schemmer Associates, Special Engineers for the City, and which, together with said Engineer's estimate of total cost for said additions and improvements have been filed with the City Clerk prior to the proposing of this Resolution.

6. The Engineer's estimate of total cost for the proposed Storm Water Sewer System improvements for said District is as follows:

TOTAL ESTIMATED PROJECT COST	\$ 244,500.00
------------------------------	---------------

City of Fort Calhoun

7. It is hereby found and determined that the Storm Water Sewer Improvements constitute improvements of general benefit to the City of Fort Calhoun as a whole. Said additions and improvements shall be financed by the issuance of the City's General Obligation Sewer Bonds issued pursuant to Section 17-925, R.R.S. Neb. 1997.

PASSED AND APPROVED this ____ day of _____, 2011.

Council Member Genoways moved the passage of the following RESOLUTION NO. 2011 - 06. Motion seconded by Member Halford. On roll call, the following voted "Aye": Halford, Genoways, Romans and Nelson. The following voted "No": None. Absent: None. The Mayor declared the motion carried and the Resolution adopted.

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

RESOLUTION NO. 2011-06

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

1. That the Resolution of Necessity creating Storm Water Sewer District No. 2011-1 consisting of storm water sewer improvements INCLUDING STORM WATER SEWER IMPROVEMENTS IN (A) Monroe Street from 14th Street east to 9th Street; (b) North 10th Street from Adams Street south to Monroe Street; and (c) Adams Street from North 11th Street east to a point 190 feet east of North 10th Street, be and it is hereby proposed.

2. **7:30** o'clock p.m. on the 18th day of **APRIL 2011**, at the Fort Calhoun City Hall is hereby set as the time and place for the Mayor and Council to conduct a hearing on the adoption of said resolution and any objections to its passage, at which owners of real property located in said district may appear and make objections to such improvement, and the City Clerk is hereby instructed to publish notice of such hearing as required by law.

PASSED AND APPROVED this 21st day of MARCH 2011

CITY OF FORT CALHOUN, NEBRASKA

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Member Romans recommended approval of the third/final reading and passage of 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.

Motion was seconded by Member Nelson. The Mayor then stated the question was "Shall Ordinance No. 662 be passed and adopted?" Upon roll call vote, the following Council Members voted "Aye": Nelson, Halford, Genoways and Romans. Voting NO: None. ABSENT: None. The passage and adoption of said Ordinance

City of Fort Calhoun

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 stated he had not completed the revised draft of the dog ordinance.

Mitch and Jolene McGowan addressed the council concerning the unkempt trailer on Lot 15 of the Fort Calhoun Mobile Park; Resolution 2011-07 was tabled until the next regularly scheduled meeting on April 18, 2011. Resolution 2011-08 is to be voided, as it is not necessary.

Member Romans made a motion seconded by Member Halford to approve the Annual Spring Clean-up dates of April 29 through May 8, 2011; city to furnish a dumpster at the city shop for city residents. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Public Comments: Stan Gage asked about Open Burning; which is not a city determination. Mayor Robinson stated he would talk to the Fire Department.

Member Genoways made a motion seconded by Member Halford 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, clearly necessary to protect the public interest. 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.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk