

City of Fort Calhoun

April 18, 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 April 18, 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 Romans to approve the March 21 and March 23, 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, 3,096.44, ult; MUD, 340.78, ult; Papio M-R NRD, 4,816.85, water; Abe's Trash, 71.03, ser; Am. Broadband, 474.90, utl; Blue Cross, 1,909.56, hlth ins; Bomgaars, 85.24, sup; Calhoun Oil, 1,014.49, fuel; City of Blair, 3,363.85, ser; Country Tire, 660.52, sup; DHHS-DPH, 10.00, test; Eco-Lux, 89.50, trng; Egr, James, 2,450.00, ser; Enterprise, 425.01, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 29.74, fee; Great Southern Bank Visa, 545.62, sup, postage & trng; HD Supply, 897.91, sup; Holiday Inn, 149.90, trng; Holiday Inn, 210.00, trng; Lottery Tax, 842.00; Maid/USA, 120.00, ser; Max I. Walkers, 137.92, ser; Municipal Code Services, 750.00, ser; NE Dept Rev., 2,156.58, sales tax; NPHEL, 416.00, test; NPZA, 640.00, trng; Odey's, 84.96, sup; PC Services, 116.00, ser; Postmaster, 182.64, sup; Quill, 39.90, sup; Reyzlik Ace HW, 80.93, sup; SE Smith, 16.12, sup; Schemmer, 14,247.51, ser; Solution One, 43.28, sup; Sprint/NEXTEL, 135.32, ser; Wash. Co. Sheriff, 5,534.27, contract; Wash. Co. Treas. 1,499.08, taxes; Wash. Co. Reg. Deeds, 28.00, fee; S. Ruma, 39.17, reimb; L. Welsher, 197.88, reimb; R. Carter, 165.75, reimb; E. Herbert, 199.25, reimb; R. Johnson, reimb; March Payroll, 14,046.69. With members Halford, Genoways, Romans and Nelson voting "Aye"; motion carried.

Washington County Sheriff Robinson – no comments on February and March reports.

Member Genoways made a motion seconded by Member Romans to accept the April 4, 2011 Planning Commission minutes as presented. With Members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

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Member Genoways made a motion seconded by Member Romans to accept the April 7, 2011 Park Board Minutes as presented. With members Romans, Nelson, Halford and Genoways voting "aye", motion carried.

Member Romans made a motion seconded by Genoways to approve the request from the WCHA for use of West Market Square Park, the pavilion and the closure of Monroe Street, 14th to 16th and 15th Street, Court to Adams Street for the third annual "Tractors Tall and Small" on Saturday, August 13, 2011; with set up on Friday, August 12. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Romans to approve the request from the WCHA for use of West Market Square Park Friday, July 1 – Sunday, July 3, 2011 for Civil War Reenactments by the Sons of Union Veterans in observance of the Sesquicentennial of the Civil War. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Mayor Robinson stated that if there are no objections, agenda item # 22 would be taken up for discussion at this time to accommodate Diane Jensen, representing the WCHA, to begin discussions about Executive Director, Mark Schulze ideas for a "Christmas in Calhoun" community event in December to promote community involvement. Member Halford volunteered to be on a committee with Mr. Schulze and Mayor Robinson stated he would talk to the park Board and Enhancement Committees to encourage involvement.

Jim and Sheri McGovern addressed the council concerning tobacco smoke at the ball fields, the parking lot and other city parks. Following discussion, Mayor Robinson and Member Halford volunteered to research and work on drafting a No Tobacco Ordinance for consideration at the next regularly scheduled meeting on May 16, 2011.

The Park Board's recommendation that the Ball Fields stay open for use through the month of September died due to the lack of a motion.

The council agreed by general consensus the Fort Calhoun Youth Sports Organization's proposed improvements to the T-Ball Field, covering and fencing the player's benches, is okay as long as they get the required building permit.

Member Romans made a motion seconded by Member Genoways to accept the April 11, 2011 Enhancement Committee minutes as presented. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

At 7:35 o'clock p.m., Mayor Robinson stated in accordance with the published notice, it was now time to conduct the public hearing to hear support, opposition, criticism, suggestion or suggestions relating to the consolidation of Lots 1-8 of Block 36 and Lots 1-3 & 5-8 of Block 37, including vacated North 11th Street and alleys in both Block (10-17-12) for the Fort Calhoun Elementary School District #3. There being no written or verbal comments, Mayor Robinson closed the public hearing at 7:36 p.m.

Member Romans made a motion seconded by Member Nelson to approve the consolidation of Lots 1-8 of Block 36 and Lots 1-3 & 5-8 of Block 37, including vacated North 11th Street and alleys in both Block (10-17-12) for the Fort Calhoun Elementary School District #3. With Members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

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At 7:37 o'clock p.m., Mayor Robinson stated in accordance with the published notice, it was now time to conduct the public hearing to hear support, opposition, criticism, suggestion or suggestions relating to AN ORDINANCE AMENDING ARTICLE 7 "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS SECTION 705(a) LOCATION RESTRICTION, REMOVING THE LANGUAGE "OR ADJACENT TO ANY MUNICIPAL PROPERTY, EXCLUDING PUBLIC STREETS". Shawn Kelly, Attorney for the Rustic Inn, commented on the request for a fence permit that related to the amendment. There being no other written or verbal comments, Mayor Robinson closed the public hearing at 7:38 p.m.

At 7:38 o'clock p.m., Mayor Robinson stated in accordance with the published notice, it was now time to conduct the public hearing on the Resolution of Necessity to hear support, opposition, criticism, suggestions or observations relating to the necessity of creating Storm 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 of the City of Fort Calhoun as proposed at the meeting of the Mayor and City Council held March 21, 2011. The Mayor declared the hearing open and asked the City Clerk if there were petitions or written objections filed in her office relative to said proposed improvements. The City Clerk reported no written objections received. The Mayor asked if there were persons wishing to be heard either in support of or in opposition to the proposed storm water sewer improvements. The following persons appeared and were heard: Ralph Givens, Bill Kalin, Kent Clausen, Jerry Buckman, City Attorney Egr, Bond Advisor Phil Lorenzen, City Engineer Woracek and Council Members Romans, Genoways and Halford. After all interested persons had been heard Mayor Robinson closed the public hearing at 7:53 p.m.

Member Genoways introduced Resolution No. 2011 – 05 and moved its adoption, which motion was seconded by Member Nelson. The Mayor stated the question "Shall Resolution No. 2011 - 05 be passed and adopted?" Upon roll call, the following members voted "Aye": Romans, Nelson, Halford and Genoways. There were no "No" votes. The passage and adoption of said Resolution having been concurred in by a majority of all member of the Council, the Mayor declared the Resolution adopted and the Mayor, in the presence of the Council, signed and approved the Resolution and the Clerk attested the passage and approval of the same and affixed her signature thereto.

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

RESOLUTION NO. 2011 – 05

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

Section 1. That at a meeting of the Mayor and Council held March 21, 2011 there was proposed a Resolution of Necessity for the construction of storm sewer improvements within proposed 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 of the City of Fort Calhoun.

Section 2. Notice of the said proposed Resolution of Necessity was published in the Pilot Tribune newspaper on April 5, 2011 and April 12, 2011, as provided by law.

Section 3. That a hearing was held in accordance with published notice on this 18th day of April 2011 as provided by law and said published notice.

Section 4. That all things having been done relative to the creation of said Storm Water Sewer District No. 2011-1, which includes storm water sewer improvements in (a) Monroe Street from 14th Street east

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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 of the City of Fort Calhoun, and the City Council now having authority to pass and adopt said Resolution of Necessity as proposed, now therefore, be it resolved that the improvements to the City's storm sewer system as described in the Resolution of Necessity creating 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 of the City of Fort Calhoun are ordered constructed in accordance with Resolution of Necessity No. 2011-5 and said Resolution No. 2011-5 be and hereby is ordered to be passed and adopted, and the City shall proceed with the completion of the construction of the said improvements in accordance with the plans and specifications as prepared by the City's Engineers for such improvements and all prior actions of the Mayor and City Council and of the City of Fort Calhoun relative to said storm sewer improvements taken previous hereto, be and hereby are in all respects, ratified approved and confirmed.

PASSED AND APPROVED this 18th day of April 2011.

Mitch Robinson, Mayor

Linda Welsher, CMC, City Clerk

At 7:54 o'clock p.m., Mayor Robinson stated in accordance with published notice, it was now time to conduct a hearing concerning support, opposition, criticism, suggestions or observations relating to the creation of Street Improvement District Nos. 2011-1 and 2011-2. The Mayor declared the hearing open and asked the City Clerk if any written objections had been filed. The City Clerk presented the following written objections received objecting to the creation of

Street Improvement District No. 2011-1: None

Street Improvement District No. 2011-2: None

The Mayor then asked if there were persons present who wished to be heard concerning the proposed Street Improvement Districts. The following persons appeared:

Street Improvement District No. 2011-1: None

Street Improvement District No. 2011-2: None

There being no other persons wishing to be heard, the Mayor declared the public hearing closed at 7:55 p.m.

Member Genoways then introduced Resolution No. 2011 - 08 and moved its passage and adoption. Motion seconded by Member Nelson. On roll call the following voted "Aye": Nelson, Halford, Genoways and Romans. There were no "No" votes. The passage and adoption of said Resolution having been concurred in by a majority of all member of the Council, the Mayor declared the Resolution adopted and the Mayor, in the presence of the Council, signed and approved the Resolution and the Clerk attested the passage and approval of the same and affixed her signature thereto.

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

RESOLUTION NO. 2011-08

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

1. The Mayor and City Council heretofore adopted Ordinance No. 665 creating Street Improvement District Nos. 2011-1 and 2011-2, which ordinance was published as provided by law on March 1, 2011.
2. Notice of Creation of said Street Improvement District Nos. 2011-1 and 2011-2 was given as provided by law by publication on March 29, 2011, April 5, 2011 and April 12, 2011 and notice was mailed to all non-resident owners as provided by law.
3. That objections were filed objecting to creation of Street Improvement District No. 2011-1 as follows: None.

Written objections representing 0 front feet of abutting property were filed within 20 days of the first publication of the notice of creation of the District. That said Street Improvement District No. 2011-1 contains a total of 2,113.5 front feet of abutting property and that the written objections representing 0 front feet of abutting property do not constitute a majority of the total front footage and the Mayor and Council shall proceed with the construction of improvements in said District.

There being no written objections representing abutting property filed within 20 days of the first publication of the notice of creation of the District, the Mayor and Council shall proceed with the construction of improvements in said District.

4. That objections were filed objecting to creation of Street Improvement District No. 2011-2 as follows:

Written objections representing 0 front feet of abutting property were filed within 20 days of the first publication of the notice of creation of the District. That said Street Improvement District No. 2011-2 contains a total of 1,495 front feet of abutting property and that the written objections representing 0 front feet of abutting property do not constitute a majority of the total front footage and the Mayor and Council shall proceed with the construction of improvements in said District.

There being no written objections representing abutting property filed within 20 days of the first publication of the notice of creation of the District, the Mayor and Council shall proceed with the construction of improvements in said District.

Passed this 18th day of April 2011.

ATTEST:

Mitch Robinson, Mayor

Linda Welsher, CMC, City Clerk

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Appointment of members to the Board of Adjustment was again tabled until the next regularly scheduled meeting, May 16, 2011.

City Attorney Egr gave an overview of the Knight Welchert cases and the City's Insurance carrier's direction to go into mitigation and forcing a settlement; the insurance company paying \$150,000.00 and city matching that amount with forgiveness of a portion of their Special Assessments for Street Improvement District 2006-2, Water Extension District 2006-2 and Sewer Extension District 2006-2 (Series 2009 VPB).

Following a question-answer period, Member Halford made a motion seconded by Member Romans to approve the Memorandum of Understanding agreed upon at mitigation between the Knight-Welchert, city and insurance company representatives on March 23, 2011. Following discussion, members Genoways, Romans, Nelson and Halford voted "Aye", motion carried.

The City's Engineer did not have a report and no one had any questions at this time.

There was no Economic Development Report this month, but the clerk reminded all in attendance of the Grand Opening of the Washington County Technology Center in Blair on Friday, April 22. The center is a six year collaborative effort by Washington County, Gateway Development, Metropolitan Community College and a number of corporate partners.

Member Genoways made a motion seconded by Member Romans to consider Resolution No. 2011 – 07, to address the abandoned trailer on Lot 15 in the Fort Calhoun Mobile Park. Following discussion, Member Genoways withdrew his motion and the item was tabled in lieu of happenings taking place this past week. A distress warrant is to be issued.

Member Genoways introduced the following Ordinance No. 666 (changed to 667) entitled:

ORDINANCE NO. 667

AN ORDINANCE AMENDING ARTICLE 7 "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", SECTION 705 "FENCE REGULATIONS", ITEM 705 (a) "LOCATION RESTRICTION", OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS.

and moved that the statutory rule requiring reading on three different days be suspended. Member Romans 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 Romans moved for final passage of the Ordinance, which motion was seconded by Member Halford. The Mayor then stated the question was "Shall Ordinance No. 667 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 stated he had not completed the revised draft of the dog ordinance.

Member Nelson made a motion seconded by Member Romans to approve the request from the Rustic Inn, LLC for consideration for an addition to premise for their Class C- 91104 Liquor License, by adding a 22'X23"

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Outdoor Area to be enclosed by a privacy fence. Following discussion members Nelson, Halford, Genoways and Romans voted "Aye", motion carried.

Public Comments: None

The city's bond advisor, Phil Lorenzen, D. A. Davison & Co. reviewed the city's overall financial condition; bond payment obligations and spoke briefly concerning pay down options of bonds on a yet to be determined Series as a result from the arbitration and funds delivered to the city in April. Mr. Lorenzen will find a date to meet with the City Clerk-Treasurer and Council President Genoways in the near future to determine recommendations based on cash flows.

A special meeting will be scheduled within the next two weeks to receive plans, specifications and estimated costs for construction of certain street and related appurtenant improvements for Street Improvement District Nos. 2011-1 and 2011-2 as well as certain Storm Sewer District No. 2011-1, with direction to publish notice to contractors.

Member Nelson made a motion seconded by Member Halford to adjourn. With all members voting "Aye", the meeting adjourned at 8:55 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk