

City of Fort Calhoun

June 20, 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 June 20, 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 and Carrie Halford; Member Nelson was absent.

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 Romans made a motion seconded by Member Genoways to approve the May 16 and May 31, 2011 minutes as published. With members Romans, Halford and Genoways voting "Aye", Nelson absent, motion carried.

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

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

OPPD, 3,273.78, ult; MUD, 173.51, ult; Papio M-R NRD, 3,765.35, water; Abe's Trash, 103.68, ser; Am. Broadband, 499.60, utl; Bennington Imp, 94.00, sup; Blue Cross, 1,909.48, hlth ins; Bomgaars, 305.78, sup; Boyle, Hess, 360.00, ser; Calhoun Oil, 2,447.01, fuel; Carpenter Paper, 88.34, sup; Chase Bank/Depository Trust, 5,677.50, Int; City of Blair, 3,028.66, ser; Egr, James, 625.00, ser; Enterprise, 916.14, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 48.25, fee; Great Southern Bank Visa, 223.30, sup, J. Jones, 400.00, ser; Loveland, 369.70, sup; Maid/USA, 120.00, ser; Max I. Walkers, 200.55, ser; NMC, 60.00, rental; NE Dept Rev., 1,994.15, sales tax; NE PH Env Lab, 10.00, test; New Frontier, 12,131.00, Ins; PC Services, 116.00, ser; Postmaster, 304.84, sup; Quill, 97.97, sup; Reyzlik Ace HW, 8.66, sup; SE Smith, 9.30, sup; Solution One, 47.54, sup; Sprint/NEXTEL, 135.17, ser; The Schemmer Assoc. 29,787.14, ser; Wash Co. Reg. Deeds, 5.50, fee; Wash. Co. Sheriff, 5,534.27, contract; Wash Co. Bank, 3,423.97, equip; May Payroll, 15,190.34.

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Following questions by Member Romans and Member Halford concerning the City Engineer's bill listed, the clerk explained the amount reflects invoices for two months that included charges for contacted services on the street and storm water sewer improvements around the elementary school. Following discussion the following members voted "Aye", Halford, Genoways and Romans, Nelson absent, motion carried.

Washington County Sheriff – no report.

Member Genoways made a motion seconded by Member Romans to accept the June 6, 2011 Planning Commission minutes as presented. Following questions by Member Romans and Member Genoways concerning the abandoned trailer on Lot 15 of the Fort Calhoun Mobile Park, (purchased by McGowan's, the Mobile Park owners, at the May 26 Sheriff's sale), members Genoways, Romans and Halford voted "Aye", Nelson absent, motion carried; clerk was directed to follow-up on the status of the trailer.

The June 2, 2011 Park Board meeting was cancelled due to the lack of a quorum.

Member Romans made a motion seconded by Member Genoways to accept the June 6, 2011 Enhancement Committee minutes as presented, noting the next meeting will be July 11, 2011 at the Rustic Inn. With members Romans, Nelson and Halford voting "Aye", Nelson absent, motion carried.

Members Genoways reported that he and Member Nelson met with County Supervisors Quist, Clausen and Kruse concerning the County Road 34 Drainage Ditch on May 24 and Maintenance Supervisor Becker met with County Road employees on May 25, but work has been delayed due to the 2011 flooding. Becker also reported the berm he constructed at the Wastewater Conveyance Pump Station site is holding up well to date.

Member Romans made a motion seconded by Member Genoways to approve the SDL requested by Fort Calhoun Fire and Rescue for the Annual Street Dance, scheduled for Saturday, August 6, 2011; they have taken the event over from the former FC Jaycee's. With members Halford, Genoways and Romans voting "Aye", Nelson absent, motion carried.

Member Genoways made a motion seconded by Member Halford to approve the SDL requested by Mike O'Brien on behalf of the Knights of Columbus for the Annual Big Red Dinner, scheduled for Saturday, July 23, 2011. With members Genoways, Romans and Halford voting "Aye", Nelson absent, motion carried.

Member Halford made a motion seconded by Member Genoways to approve the request by Mike O'Brien on behalf of the Knights of Columbus for \$250.00 in Keno Funds, to help with start-up funds for a service project to be held on the second Sunday in October (October 9, 2011), to be designated/proclaimed as "Help a Neighbor Day" (HAND) at the next regular meeting. Following questions by Member Romans, the following members voted "Aye", Romans, Halford and Genoways; Nelson absent, motion carried.

Member Romans made a motion seconded by Member Halford to consider the request by Mike O'Brien for \$3,000.00 in Keno Funds, on behalf of the Washington County Historical Association, to enhance the security at the Washington County Museum located in Fort Calhoun with a camera system. Following questions/comments by Member Romans and Member Halford concerning other efforts to

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obtain funding; suggesting Mr. O'Brien/WCHA to solicit donations from other communities and organizations and to return with a request for the difference. Member Romans withdrew the motion; Member Halford withdrew the second and the request was tabled until additional information is received.

Member Romans made a motion seconded by Member Genoways to approve the request by Mike O'Brien on the behalf of the Washington County Historical Association for the city's permission to allow steel wheeled tractors in West Market Square Park for the "Tractors Tall and Small" event on Saturday, August 13, 2011. With members Genoways, Romans and Halford voting "Aye", Nelson absent, motion carried.

The request from the Fort Calhoun Grid Iron Club was tabled to the regular July meeting per their request.

Appointment of members to the Board of Adjustment was tabled.

City Attorney Egr reported the activity to date for the city's settlement payment for the reduction of special assessments in Street, Water and Sewer Improvement District Nos. 2006-2, all within the Welchert – Knight Business Park Subdivision to close out the Knight – Welchert lawsuit.

City Engineer Woracek reported on coordination of the work on Adams Street, Monroe Street, work to be done at Great Southern Bank and at the school improvement/addition site; the concrete tube reuse, and the HDPE pipe, both being salvaged to the city from Adams Street. Member Romans and Member Halford asked for clarification concerning the concrete tube and questioned the contractor for GSB. The engineer stated he will contact the bank again for clarifications on the contractor and the work schedule.

Economic Development Report: None.

Resolution 2011 – 07 was tabled until the July meeting, pending information on the abandoned trailer previously discussed and inquiry on permit requirements.

Member Genoways introduced Resolution No. 2011 - 13 and moved its passage and adoption. Motion seconded by Member Romans. On roll call the following voted "Aye": Romans, Halford and Genoways. There were no "No" votes and Nelson was absent. The passage and adoption of said Resolution having been concurred in by a majority of all members 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 - 13

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, FINDING THAT ALL ACTIONS RELATING TO THE CREATION OF STORM WATER SEWER DISTRICT NO. 2011-1 HAVE BEEN COMPLETED AS PROVIDED BY LAW, GRANTING AUTHORITY FOR THE PASSAGE AND ADOPTION ON APRIL 18, 2011 OF RESOLUTION OF NECESSITY, RESOLUTION NO. 2011-5; AND ORDERING THE CONSTRUCTION OF IMPROVMENTS IN ACCORDANCE WITH FINAL PLANS AND SPECIFICATIONS AND IN

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ACCORDANCE WITH THE AWARD OF BIDS AS PREVIOUSLY APPROVED AND THE CONTRACT AS EXECUTED BY THE CITY

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 February 9, 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 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.

Section 5. The Mayor and City Council hereby order that the City proceed with the construction of certain improvements in said Storm Water Sewer District No. 2011-1 as authorized in Resolution of Necessity, Resolution No. 2011-5 and in accordance with the bid as accepted and the contract for construction of said improvements as approved by and executed by the Mayor and City Clerk of the City of Fort Calhoun.

PASSED AND APPROVED this 20th day of June 2011.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Council Member Genoways introduced the following Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2011, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2011-1 AND 2011-2 AND IN STORM WATER SEWER DISTRICT NO. 2011-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Said Ordinance was designated as Ordinance No. 668 and the title thereof was approved.

Council Member Genoways moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Following questions, comments and discussion, the motion died for the lack of a second.

Council Member Halford then moved for the introduction for the first reading only of Ordinance No. 668:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2011, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2011-1 AND 2011-2 AND IN STORM WATER SEWER DISTRICT NO. 2011-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Council Member Romans seconded the motion to allow for continued discussion. Member Genoways asked for explanation as to how the City was going to meet its regular financial obligations in addition to paying for this project without approving the interim financing, given the fact that the engineering contract was approved in February, the construction contract was approved at the last meeting, and engineering invoices were approved with the bills earlier in this meeting for work already completed; coupled with the fact that it takes at least 30 days to obtain the money once the interim financing is put in place, noting the dead line for completion of this project is mid-August. Mayor Robinson requested the city attorney's direction and following Mr. Egr's advice, Member Halford withdrew the motion and Member Romans withdrew the second. Mayor Robinson stated he had acted too soon on the previous motion, without giving members enough time to give a second.

Council Member Genoways again introduced Ordinance No. 688, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2011, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2011-1 AND 2011-2 AND IN STORM WATER SEWER DISTRICT NO. 2011-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Then, Council Member Genoways moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Halford seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted "Yes": Halford and Genoways. The following voted "No": Romans. Absent: Nelson. Without the required three-fourths vote of the members elected to the Council, the statutory rule could not be suspended and the Ordinance was tabled.

Member Halford addressed the previously proposed "No Tobacco Use" Ordinance:

Member Halford read a section of the Fort Calhoun Municipal Code (2002) from Chapter VII Public Safety Regulations:

SECTION 7-106: SMOKING IN PUBLIC PLACES

It shall be unlawful for any person to ignite a lighter, strike a match, or indulge in the smoking of tobacco on or in any building or structure where public gatherings take place within the corporate limits while any entertainment, program, show, amusement, game, exhibition or other spectacle to which the general public is invited is in progress, or while patrons thereof are finding or leaving seats and standing room; provided, the foregoing shall not be construed to apply to banquets, dinners or entertainments held in any of the aforesaid buildings or structures where food is served and the entertainment takes place incidental thereto or in connection therewith.

Member Halford stated she felt there would be no need to further pursue a new Ordinance at this time and following discussion it was determined by general consensus that "No Smoking" signs could be posted on public structures at the ball fields and the parks. Sherry Brooks thanked the mayor and council members for not pursuing additional regulations.

Member Genoways stated the proposed "Dog" Ordinance is still in process.

The clerk stated the revision of the 1988 Resolution, regulating public speaking during meetings, is still in process.

Maintenance Supervisor Becker was given permission/direction to do preliminary planning and get price estimates for future presentation on a proposed addition to the current maintenance shop for cold storage.

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Member Genoways made a motion seconded by Member Romans to confirm/ratify the mayor's agreement with Triple Crown Sports to conduct their annual tournament, June 20 through July 1, 2011. With members Romans, Halford and Genoways voting "Aye", Nelson absent, motion carried.

Public Comments: Tim Oelke complemented Member Romans on questioning the engineering bill earlier in the agenda. He requested assurance from the council that they understood and were comfortable with the system of checks and balances in place for processing and verification of bills presented for payment. Member Genoways responded that he does and always strives to understand bills and/or issues prior to voting. The clerk again stated the engineer's fees reflected two months invoices for services rendered in April and May. The clerk went on to state more detailed information can be provided on any issue upon Mayor or Council request. The advance packet distribution allows time for review and staff needs notice prior to the meeting in order to be able to be prepared to answer questions. Mayor Robinson made additional comments concerning previous services requested of the engineer for current street and storm water sewer projects. The clerk was directed to send a detailed report to council members, reviewing the engineers bills paid during the fiscal year to date, so the new members can see detail on the wide variety of services supplied by the special designated engineer.

Member Genoways made a motion seconded by Member Romans to adjourn. With all members present voting "Aye", the meeting adjourned at 7:50 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk