

City of Fort Calhoun

July 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 July 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.

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 Genoways made a motion seconded by Member Halford to approve the June 20, 2011 minutes as published. With members Nelson, Romans, 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 Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

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

OPPD, 3,645.17, ult; MUD, 121.62, ult; Papio M-R NRD, 4,501.85, water; Abe's Trash, 726.18, ser; Am. Broadband, 498.44, utl; Blue Cross, 1,909.48, hlth ins; Bomgaars, 1,345.00, sup; Boyle, Hess, 180.00, ser; Calhoun Oil, 757.04, fuel; Cedar Construction, 2,000.00, rental; Chase Bank/Depository Trust, 38,350.00, prin & Int; City of Blair, 3,965.17 & 44.00, ser; Egr, James, 350.00, ser; Enterprise, 85.05, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 85.85, fee; Great Southern Bank Visa, 288.02, postage, trng, sup; Henton Trenching, 37,021.00, ser; Lottery Tax, 841.00; J. McNamara, 643.50, ser; Maid/USA, 180.00, ser; Max I. Walkers, 161.44, ser; Martin Marietta, 430.79, sup; NE Dept Rev., 2,078.78, sales tax; NE PH Env Lab, 10.00, test; PC Services, 116.00, ser; Postmaster, 201.68, sup; Quill, 56.89, sup; Reliable Cons, 2,031.75, sup; SE Smith, 472.12, sup; Solution One, 47.54, sup; Sprint/NEXTEL, 135.60, ser; The Schemmer Assoc. 5,652.16, ser; Tri-County Grading, 465.86, sup & ser; Wash. Co. Sheriff, 5,534.27, contract; WCH&AC, 50.00, ser; WC Planning, 286.00, ser; L. Welsher, 201.96, mileage; Am Legion, 500.00, refund; FC Community Club, 500.00, refund; P. Janecek, 1,000.00, refund; Wild Willy's, 500.00, refund; June Payroll, 15,483.46.

City of Fort Calhoun

Following questions concerning the City of Blair and Henton Trenching claims, members Genoways, Romans, Nelson and Halford voted "Aye", motion carried.

Washington County Sheriff – June Report; increased traffic stops.

Member Genoways made a motion seconded by Member Romans to accept the July 5, 2011 Planning Commission minutes as published. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried.

Member Halford made a motion seconded by Member Nelson to accept the July 7, 2011 Park Board minutes as published. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the Park Boards recommendation to purchase two new picnic tables for \$1,987.66, for replacement of old tables at West Market Square Park. Following questions about the Park Boards replacement plan from council members and the public; comments by Member Halford and Mike O'Brien, concerning price comparisons, members Halford, Genoways and Nelson voted "Aye", Member Romans voted "No", motion carried.

Member Romans made a motion seconded by Member Halford to consider the Park Boards recommendation to purchase fifteen (15) custom "No Tobacco" City of Fort Calhoun signs from the Sign Depot, \$148.35. Following discussion, Member Romans withdrew his motion, Halford withdrew the second and the matter was tabled to the August 15, 2011 meeting, requesting the Park Board consider other alternatives.

Member Romans made a motion seconded by Member Genoways to consider the Park Boards recommendation to allow the Fort Calhoun Cub Scouts to hold campfire cookouts at the ball fields in August and October, as they have in years past. Following discussion, members Romans, Nelson, Halford and Genoways voted "Aye", motion carried.

Member Halford made a motion seconded by Member Romans to consider the Park Boards recommendation to implement the "Inclement Weather Policy" suggested by the Fort Calhoun Youth Sport Organization with modifications to it and the Concession Stand Agreement. Following discussion, members Nelson, Halford, Genoways and Romans voted "No", motion failed.

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

Maintenance Supervisor Becker reported on the 2011 flooding, stating berms at both the wastewater pump station and the discharge structure are holding up well to date.

Mayor Robinson read the following proclamation:

City of Fort Calhoun, Nebraska
Help A Neighbor Day
(HAND)

PROCLAMATION

WHEREAS, The St. John the Baptist Knights of Columbus Council 10305 has recognized that there are many elderly people in Fort Calhoun, who could use a helping hand with their yard clean up. Therefore, we propose that the City of Fort Calhoun proclaims the second Sunday of October, as **“Help A Neighbor Day”**.

WHEREAS, HAND is the acronym for **H**elp **A** Neighbor **D**ay and will be comprised of helping hands of the citizens of the Fort Calhoun community.

WHEREAS, HAND teams will be organized, utilizing families, organizational groups, and school groups, etc., to make up the teams who will be dedicated to doing yard clean up for the elderly of our community. Clean up will include raking of leaves and debris from the yard area, and possibly gutter cleaning by only adult team members. No yard mowing will be done. Debris will be collected and properly disposed.

WHEREAS, Guidelines for **HAND** will include teams consisting of four to six members, with the team leader at least 18 years of age, and no one younger than age 15 unless part of a family team.

WHEREAS, The proposed time line will be from 2:00 PM to 5:00 PM. The KC’s will host a barbeque at 5:00 PM, for all **HAND** team members. The KC’s will also provide T-shirts for all participants. The KC’s will provide the organizational activity for this event.

WHEREAS, The KC’s request the utilization of the city hall as the call in point for those wishing to sign up for yard help. The reason for this is that it is a neutral location that all should be comfortable in contacting. We anticipate there will be about 15 families that will need help. It is our hope that this will become a yearly activity for our community. We have experienced the generosity, concern, and hard work already this year from our flooding, and this will be a continuation of what makes our city so special.

WHEREAS, We believe this will truly be for the betterment and beautification of our community.

NOW THEREFORE, I, Mitch Robinson, Mayor, do hereby proclaim October 9, 2011, as **Help A Neighbor Day** in this City of Fort Calhoun, Nebraska, and encourage all citizens to participate in **Help A Neighbor Day**.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

The request from the Fort Calhoun Grid Iron Club was postponed by them to the August meeting.

Appointment of members to the Board of Adjustment was tabled.

City Attorney Egr reported there has been communication between attorneys and Ms. Knight, this month, concerning the deed to Outlot A in the Welchert-Knight Commercial Park Addition (future Lincoln Street).

City of Fort Calhoun

City Engineer Woracek reported:

The Great Southern Bank project for repairs to the building foundation, the surrounding sidewalks and parking lot, is still in the planning process; he has spoken with Rio Construction and the architect; but is unaware of any notice to proceed. Mr. Woracek also presented a bid from Cedar Construction, \$7,405.40 for installation of the salvaged concrete tube at the Hwy 75 and Monroe Street location, in conjunction with the project; valid for as long as Cedar's crews were still in the city, working on the Street and Storm Sewer Improvement Project Nos. 2011-1 & 2011-2. Maintenance Supervisor Becker stated that Rio Construction had contacted him today asking direction on proposed changes to the project. No action; matter will be revisited when facts are complete.

City Engineer Woracek also reported on the status of and recent concerns on Street Improvement Project No. 2011-1 and Storm Sewer Improvement Project No. 2011-1; as did John Sutherland of Cedar Construction. An emergency request for changes to expedite the projects to meet the deadline, as school will be starting on August 18, and all street and storm sewer projects for the city need to be completed prior to that date: 1) allowing concrete rather than asphalt for the bus drop off lane on Adams; 2) additional costs for collars to work around the power pole at 11th and Adams and 3) the need to create a manhole instead of using pre-cast in one location. Member Genoways made a motion to approve Change Order No. 1 as proposed by Cedar Construction and the city engineer, authorizing additional costs of approximately \$3,300. Motion was seconded by Member Nelson. Following a lengthy discussion, members Genoways, Romans, Nelson and Halford voted "Aye", motion carried.

Economic Development Report: None.

Resolution 2011 – 07 was voided by lack of action; trailer has been satisfactorily repaired.

Member Romans made a motion seconded by Member Genoways to approve the request from the Fort Calhoun Fire and Rescue to close Court Street from 12th to 11th Streets in conjunction with the previously approved SDL for the annual street dance scheduled for Saturday, August 6, 2011. With members Halford, Genoways and Romans voting "Aye", motion carried.

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.

Council Member Nelson seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted AYE: Halford, Genoways, Romans and Nelson. The following voted NO: NONE; Absent: NONE. The motion to suspend the rules was adopted by three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 668 was then read by title and Council Member Halford moved for its final passage, which motion was seconded by Council Member Genoways. The Mayor stated the question "Shall Ordinance No. 668 be passed and adopted?" Upon roll call, the following voted AYE: Genoways, Romans, Nelson and Halford. The following voted NO: NONE; Absent: NONE. The passage and adoption of said Ordinance having been concurred in by a majority of all the members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Member Genoways stated his work on the proposed "Dog" Ordinance was provided in the packet. Changes were requested in August 2010 in conjunction with a complaint by a resident after being attacked by a dog living at a neighbor's and legal recommendations. Research, additions, revisions have been reviewed by the appointed committee, including law enforcement. Following questions and discussion, members were urged to review work product, so and Ordinance can be introduced in August.

Member Genoways introduced Resolution No. 2011 - 14 and moved its passage and adoption. Motion seconded by Member Nelson. Following discussion, on roll call the following voted "Aye": Nelson, Halford, Genoways and Romans. 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 - 14

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:

- Eliminate the unnecessary traffic signs remaining along 11th Street between Monroe Street and Adams Street, which was vacated on May 21, 2011 for use by Fort Calhoun Community Schools.
- Allowing non-stop traffic adjacent to the school property, between 12th Street and 10th Street when traveling east and west or vice-versa on Adams Street.
- Allowing non-stop traffic adjacent to the school property, between 12th Street and 10th

Street when traveling east and west or vice-versa on Monroe Street.

- Requiring a complete stop on 11th Street when traveling south at Adams Street.
- Requiring a three-way complete stop at the intersection of 12th and Monroe Streets when traveling east or west or vice-versa on Monroe Street at 12th Street and when traveling south on 12th Street at Monroe Street.
- Requiring a three-way complete stop at the intersection of 16th Street and County Road 34 when traveling north or south or vice-versa on 16th Street at County Road 34

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:
 - ❖ Removal of all Traffic Control Signs within the area of vacated 11th Street between Monroe Street and Adams Street now belonging to Fort Calhoun Community Schools
 - ❖ Remove Stop Sign on the northeast corner of Adams Street at 11th Street
 - ❖ Remove Stop Sign on the southwest corner of Adams Street at 11th Street
 - ❖ Remove Stop Sign on the northeast corner of Monroe Street at 11th Street
 - ❖ Remove Stop Sign on the southwest corner of Monroe Street at 11th Street
 - ❖ Install a Stop Sign on the northeast corner of Monroe Street at 12th Street
 - ❖ Install a Stop Sign on the southwest corner of Monroe Street at 12th Street
 - ❖ Install a Stop Sign on the northwest corner of 11th Street at Adams Street
2. The effective date of the aforesaid traffic regulation and/or regulatory device will be as follows; to-wit: August 1, 2011
3. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED July 18, 2011

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

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

Member Nelson made a motion seconded by Member Genoways to approve the planned replacement of the 1999 JD 1145 mower as stated in the 2011 – 2016 Capital Improvement Program, with a John Deere 1445 Series II Commercial Front Mower and John Deere 72 in. 7-Iron II Side Discharge Mower Deck from Bennington Equipment, Inc. for \$17,905.00. Following discussion, members Genoways, Romans, Nelson and Halford voted “Aye”, motion carried.

City of Fort Calhoun

Member Romans made a motion seconded by Member Nelson to discuss the request from Fort Calhoun Community Schools for the city to take formal action as now required by Nebraska Revised State Statute § 39-1359, accepting liability for the use of Highway 75 for the Fort Calhoun Community Schools Homecoming Parade, Friday, September 23, 2011 (12:20 p.m. to 1:20 p.m.) Following discussion including concerns, Member Romans withdrew his motion and Member Nelson, his second. The matter was tabled to the August 15, 2011 meeting. Street Commissioner Romans and Maintenance Supervisor Becker will discuss with the superintendent prior to the August meeting.

Public Comments:

Member Nelson made a motion seconded by Member Romans to adjourn. With all members present voting "Aye", the meeting adjourned at 8:30 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk