

City of Fort Calhoun

July 29, 2011

A special meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 5:00 o'clock p.m., on Friday, July 29, 2011 in the City Office 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 posting, said form of notice being a designated method for giving notice, a certification of posting 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.

The City's Engineer, Ron Woracek, TSA, presented Change Orders for Street Improvement District Nos. 2011-1 and 2011-2 and Storm Sewer District No. 2011-1.

Member Genoways made a motion seconded by Member Nelson to approve the revision of Change Order No. One (1) Modification to Substitute 7" P.C.C. paving for bus drop off lane in Lieu of 7" AC paving, to expedite construction and meet school opening of August 18, 2011, \$3,000. Following discussion, members Nelson, Halford, Genoways and Romans voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve Change Order No. Two (2) Eliminate conflict of 6" DIP water main with gravity 36" RCP Storm Sewer at 11th Street; Relocation of 6" DIP alignment to provide accommodation for future 6" main upgrade from 13th to 11th Street north side of Monroe, \$16,352.80. Following discussion, members Halford, Genoways, Romans and Nelson voted "Aye", motion carried.

Member Halford made a motion seconded by Member Genoways to approve Change Order No. Three (3) Eliminate conflict of sanitary sewer service to 911 Monroe Street residence with gravity 36" RCP Storm Sewer south side of Monroe, \$5,100 (current service flat and not up to standard.) Following discussion, members Genoways, Romans, Nelson and Halford voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve Change Order No. Four (4) Eliminate conflict of 6" water main with gravity 36" RCP Storm Sewer south side of Monroe Street at 10th Street, \$4,090.40. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried.

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Member Genoways made a motion seconded by Nelson to approve Change Order No. Five (5) Modify curb line grade, Adams Street west of 10th and west side of 10th Street, Adams to Monroe, \$7,926.00. Following questions, clarification and discussion, members Nelson, Halford, Genoways and Romans voted "Aye", motion carried.

Member Halford made a motion seconded by Member Genoways to approve extending curb quantities to install curb and gutter to 12th Street at Monroe north to new school driveway, \$1,346.10. Following clarifications by the engineer and Steve Becker, members Halford, Genoways, Romans and Nelson voted "Aye", motion carried.

Mayor Robinson introduced a discussion item stemming from recent correspondence between attorneys concerning an additional \$2,004.72 reimbursement request for Outlot A in the Welchert-Knight Commercial Park Addition by the developers. [*Ref. the Memorandum of Understanding approved at the April 18, 2011 regular council meeting nor the Settlement Agreement and Release signed on May 16, 2011 by the mayor made any reference to Outlot A; (Section 2, I) of the Settlement Agreement states: the city shall pay the total sum of Three Hundred Thousand Dollars; (Section III, 1) of the Subdivision Agreement, approved in April 2006 states the developer agrees and it shall donate to the city that real property identified as "Outlot A"*]. The mayor asked the city clerk to give a review of the mediation reimbursement sent to the County Treasurer for \$150,000.00 of the special assessments levied on the lots per State Statute and certified to the County Treasurer in 2009 [*Ref. CC Welchert-Knight Commercial Park Addition, Lots 1 – 7 and Outlot A ; CC Calhoun Company Addition Lots 1-5, 8-12 & Pt of Lots 6 &7 in Block 40, owners of record at the County Register of Deeds in 2009*], for improvements made in Street Improvement District 2006-2, Water Extension District 2006-2 and Sewer Extension District 2006-2 (Series 2009 Various Purpose Bonds), plus the \$3,138.48 interested accrued since March 2011. Following the clerks review, Jean Knight gave the developers point of view and again requested the council do the right thing, by reimbursing them for their special assessment payment made in March 2011 on Outlot A. The city clerk was directed to contact the city attorney for further review and direction.

The meeting adjourned at 5:45 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk