

## City of Fort Calhoun

August 15, 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 August 15, 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 Romans made a motion seconded by Member Genoways to approve the July 18 and July 29, 2011 minutes as corrected. 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 as amended for payment:

OPPD, 3,881.92, ult; MUD, 136.99, ult; Papio M-R NRD, 6,145.85, water; Abe's Trash, 103.68, ser; Am. Broadband, 404.01, utl; AAll About Trees, 3,175.00, ser; Bennington Equip, 147.35, sup; Blue Cross, 1,909.48, hlth ins; Bomgaars, 319.40, sup; Boyle, Hess, 180.00, ser; Calhoun Oil, 1,165.94, fuel; Cedar Construction, 149,600.07, contract; City of Blair, 4,121.26, ser; Egr, James, 825.00, ser; Enterprise, 378.82, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 79.45, fee; Great Southern Bank Visa, 5.10, postage; Great Southern Bank, 6,101.39, equip; HD Waterworks, 1,036.22, sup; Home Depot, 168.11, sup; Loveland, 111.85, sup; Maid/USA, 120.00, ser; Max I. Walkers, 160.44, ser; Miracle Recreation, 1,987.66, sup; ; NE Dept Rev., 2,112.07, sales tax; NE PH Env Lab, 416.00, test; PC Services, 235.95, ser; Postmaster, 113.97, sup; Quill, 180.66, sup; Reyzlik Ace HW, 55.90, sup; Solution One, 54.26, sup; Sprint/NEXTEL, 135.15, ser; The Schemmer Assoc. 13,409.83, ser; Wash. Co. Sheriff, 5,534.27, contract; Wash. Co. Treas., 1,499.08, tax; July Payroll, 22,831.77. Following questions, members Halford, Genoways, Romans and Nelson voted "Aye", motion carried.

## City of Fort Calhoun

Washington County Sheriff – July Report showed increased coverage due to highway traffic. Member Romans made a motion seconded by Member Nelson to accept the report as presented. With members Genoways, Romans, Nelson and Halford voting “Aye”, motion carried.

Member Genoways made a motion seconded by Member Romans to accept the August 1, 2011 Planning Commission 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 August 4, 2011 Park Board minutes as published. With members Nelson, Halford, Genoways and Romans voting “Aye”, motion carried.

Member Halford made a motion seconded by Member Genoways to consider the Park Boards recommendation to purchase eight (8) revised/custom “No Smoking” Section 7-106 signs from the Sign Depot. Following comments and discussion, members Halford and Romans voting “Aye” and members Nelson and Genoways voting “No”, Mayor Robinson broke the tie with a “No” vote. Motion failed.

Member Genoways made a motion seconded by Member Halford to consider the Park Boards recommendation to purchase two (2) Kid Force Spinners, from Burke for \$990.00. Following discussion concerning the installation and the probability of needing additional materials, members Genoways, Romans, Nelson and Halford voted “Aye”, motion carried.

Members had discussion about a number of concerns the Park Board raised in their August Minutes. Member Halford suggested work orders may be a more effective way for the Park Board to communicate and track items with maintenance staff. No action was taken.

Member Genoways made a motion seconded by Member Halford to accept the August 1, 2011 Enhancement Committee minutes as presented. With members Romans, Nelson, Halford and Genoways voting “Aye”, motion carried.

Maintenance Supervisor Becker reported the 2011 flood, preventative measures are holding.

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

Appointment of members to the Board of Adjustment was tabled.

City Attorney Egr reported there has been discussion and review of driveway/easement requirements in the One-Mile ETJ; this will be taken up with the Planning Commission in September.

Mr. Egr also commented on the Knight-Welchert request for reimbursement of their delinquent special assessment payment made March 4, 2011 of \$2,004.72 for improvements adjacent to Outlot A; Egr noted that to date neither the quit claim deed, nor the real estate transfer certificate to Outlot A in the Welchert-Knight Commercial Park Addition (future Lincoln Street) have been transferred to the city; nor have the settlement documents for the dismissal of the lawsuits been filed and forwarded to the city. Assessments were filed according to State Statute, based on owner of record at the time the assessments levied on October 19, 2009. Following lengthy discussion and Ms. Knight’s insistence they were never supposed to pay for improvements to Outlot A; Member Nelson made a motion seconded by Member Halford to pay the developers the additional \$2,004.72, which is in addition to the \$153,138.48 credit on

## City of Fort Calhoun

all their other special assessments in the development. Legal counsel insisted conditions for payment to include the necessary documents for the dismissal of the lawsuits and the real estate transfer of Outlot A to the city are delivered no later than 11:55 a.m., Friday, August 19, 2011. Motion was amended to include those requirements. With members Halford and Nelson voting "Aye" and members Genoways and Romans voting "No", Mayor Robinson broke the tie with an "Aye" vote, motion carried.

City Engineer Woracek presented Pay Application #1, \$149,600.07 for work to July 29, 2011 on SID Nos. 2011-1, 2011-2 and SWSD No. 2011-1 from Cedar Construction Co. Member Genoways made a motion seconded by Member Halford. Following discussion concerning seeding and clean-up, members Romans, Nelson, Halford and Genoways voted "Aye", motion carried.

City Engineer Woracek also reported he has had additional conversations with the architect for improvements to Great Southern Bank's sidewalk, driveway and parking project; plans remain pending.

Economic Development Report: None.

Member Romans made a motion seconded by Member Genoways to allow Fort Calhoun Community School's use of Highway 75 for the Homecoming Parade, Friday, September 23, 2011. Following discussion and comments from the city attorney concerning liability issues, members Nelson, Genoways and Romans voted "Aye" and Member Halford voted "No", motion carried. Mayor Robinson stated he will meet with the FCCS Superintendent about concerns raised during the discussion, especially the detour traffic, before a notice of the same be sent to NDOR.

Member Genoways introduced for first reading, the following Ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO AMEND AND COMPLETELY REVISE SECTION II, ARTICLE III – DOGS AND CATS; PROVIDING FOR DEFINITIONS; OWNER DEFINED; LICENSES; LICENSE TAGS, NUMBER RESTRICTED; EXCEPTIONS; DOG GUIDES, HEARING AID DOGS AND SERVICE DOGS; EXEMPT FROM LICENSE TAX; WRONGFUL LICENSING; REMOVAL OF TAGS; UNLAWFUL USE OF A DOG OR CAT; FIGHTING; KILLING AND POISONING; BARKING AND OFFENSIVE DOGS; OFFENSIVE CATS; RUNNING AT LARGE; RESTRAINT; DAMAGING PROPERTY; DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS GENERALLY; JUY EXCLUDED ANIMALS; IMPOUNDMENT OD CERTAIN ANIMALS DURING ENFORCEMENT PROCEEDINGS; IMPOUNDING; ANIMAL SHELTER; SPAYING OR NEUTERING; MICROCHIP IDENTIFICATION AND LICENSE REQUIRED; CLASSES REQUIRED; WARNING SIGNS REQUIRED; DANGEROUS ANIMALS CONFINED; LEASH, MUZZLE AND HARNESS REQUIRED; PROOF OF INSURANCE; DESTRUCTION OF DANGEROUS ANIMALS AT LARGE; REGISTRY OF DANGEROUS ANIMAL; DETERMINATION OF POTENTIALLY DANGEROUS ANIMAL; AGGRESSIVE OR POTENTIALLY DANGEROUS BREED; CLASSES OF DOGS AND ANIMALS PROHIBITED AND DETERMINED A NUISANCE; DEFINITIONS OF RABIES CONTROL; RABIES VACCINATION REQUIRED; RABIES REVACCINATION; PROCEDURE FOR PERSON BITTEN BY DOGS OR CATS; RABID ANIMAL WHEN CAPTURE IMPOSSIBLE; PROCLAMATION FOR RABIES CONTROL; RECKLESS OWNER; TO PROVIDE PROVISIONS FOR VIOLATIONS AND PROVIDE FOR PENALTIES; AND TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND TO ESTABLISH WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Said Ordinance was designated as Ordinance No. 669 and the title thereof was approved.

Member Romans seconded the motion for introduction and first reading of Ordinance No. 669 and upon roll call vote, the following Council Members voted AYE: Genoways, Romans, Nelson and

Halford. The following voted NO: NONE; Absent: NONE. The introduction carried, the second reading of Ordinance No. 669 will be at the regularly scheduled meeting, September 19, 2011.

Member Genoways introduced Resolution No. 2011 - 15 and moved its passage and adoption. Motion seconded by Member Romans. Following discussion, on roll call the following voted "Aye": Halford, Genoways, Romans and Nelson. 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 – 15

RESOLUTION AO ADOPTION OF THE  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT  
MULTIHAZARD MITIGATION PLAN

Whereas, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure; and

Whereas, the Federal Emergency Management Agency (FEMA) no requires that a public entity must have a current Multi-Hazard Mitigation Plan in order for the entity to be eligible for Federal funding from FEMA under several of its hazard mitigation grant programs and in order to receive post-disaster public assistance grants from FEMA; and

Whereas, the Papio-Missouri River Natural Resource District coordinated and developed its first All-Hazards Mitigation Plan in 2006; and

Whereas, the Papio-Missouri River Natural Resource District served as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan to serve as the update to the 2006 All-Hazards Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local government entities; and

Whereas, the planning process afforded the local units of government and its citizens the opportunity to comment and provide input in the plan and actions recommended in the plan; and

Whereas, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the Papio-Missouri River Natural Resources District in the form of this resolution and further requesting approval of the plan at the Federal Level;

NOW, THEREFORE, BE IT RESOLVED that the CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA hereby approves and adopts the Papio-Missouri River Natural Resources District Multi-Hazard Mitigation Plan in its entirety, in the form as proposed and presented to this meeting and reflected in the permanent files of the District, hereby resolves to execute the plan as proposed and hereby requests approval of the plan by the Federal Emergency Management Agency.

IN WITNESS WHEREOF, this resolution was approved and executed this 15<sup>th</sup> day of AUGUST, 2011

CITY OF FORT CALHOUN, NEBRASKA  
Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

The City Clerk advised the Mayor and City Council that at the meeting of the Mayor and City Council held April 18, 2011, a hearing was held relative to the creation of Storm Water Sewer District No. 2011-1, as set out in Resolution No. 2011-5 originally proposed at the March 21, 2011 meeting of the Mayor and City Council. Resolution No. 2011-5 was put upon final passage and passed and adopted on April 18, 2011.

Inadvertently, in the preparation of the Minutes of the April 18, 2011 meeting, incorrect text was carried over into the minutes and the minutes are therefore incorrect as to the proper language of Resolution No. 2011-5. Given the passage of time, and the prior approval of the minutes of the April 18, 2011 meeting, rather than making a correction of the minutes, the record is more easily corrected on the City's journals and records by simply re-adopting Resolution No. 2011-5 and reading it into the record for this current meeting of August 15, 2011.

Council Member Genoways then moved for final passage of Resolution No. 2011-5, a Resolution of Necessity creating Storm Water Sewer District No. 2011-1. Motion seconded by Council Member Romans. On roll call the following voted "Aye": Genoways, Romans, Nelson and Halford.

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:

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 14<sup>th</sup> Street east to 9<sup>th</sup> Street; (b) North 10<sup>th</sup> Street from Adams Street south to Monroe Street; and (c) Adams Street from North 11<sup>th</sup> Street east to a point 190 feet east of North 10<sup>th</sup> 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 11<sup>th</sup> Street and 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 12<sup>th</sup> Street to approximately 200 feet east of 10<sup>th</sup> 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

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.

RE-ADOPTION AND FINAL PASSAGE this 15<sup>th</sup> day of AUGUST 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 Romans made a motion seconded by Member Halford to approval the letter of Engagement of Shaw, Hull and Navarrette for assistance in budget preparation. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried.

The mayor acknowledged correspondence from Charles Sedlacek concerning traffic on Highway 75; the clerk was directed to contact NDOR to inquire about the possibility they paint a solid white line to clearly define the driving lane on Hwy 75 through the city and/or "No Passing on Right" signs.

The mayor acknowledged correspondence from Great Southern Bank concerning lowered interest rates on all city accounts; the clerk was directed to gather information on other banking investment options.

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.

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Mitch Robinson, Mayor

ATTEST:

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Linda Welsher, CMC, City Clerk