

City of Fort Calhoun

November 21, 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 November 21, 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 Nelson to approve the October 17, 2011 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 Treasurer's Report as presented. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

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

OPPD, 3,066.48, ult, and 11,946.00, ser; MUD, 158.63, ult; Papio M-R NRD, 4,888.85, water; Abe's Trash, 102.92, ser; Am. Broadband, 486.33, utl; Badger Body, 5,243.82, eqp; Blue Cross, 1,909.48, hlth ins; Bomgaars, 306.86, sup; Boyle, Hess, 180.00, ser; Calhoun Oil, 1,454.97, fuel; City of Blair, 2,771.14, ser; Creative Sites, LLC, 950.00, eqp; Cummins Central, 927.98, ser; Data Tech, 3,567.60, Lic & fees; Dick's Elec, 785.73, ser; Egr, James, 700.00, ser; Enterprise, 724.59, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 65.72, fee; Great Southern Bank Visa, 634.51, postage, sup, misc; HD Supply, 1,945.65, sup; Liberty Mutual, 800.00, ins; Maid/USA, 120.00, ser; Marvin Planning, 760.00, fee; Max I. Walkers, 160.44, ser; NE Dept Rev., 1,803.04, sales tax; NE PH Env Lab, 10.00, tests; NE Municipal Clerks, 25.00, dues; New Frontier, 100.00, ins; NMC, 2,540.85, eqp rental; PC Services, 116.00, ser; Postmaster, 157.39, sup; Reyzlik Ace HW, 67.18, sup; Quill, 263.24, sup; S. E. Smith, 47.79, sup; Solution One, 69.02, sup; Smithers, 1,500.00, ser; Sprint/NEXTEL, 135.45, ser; The Schemmer Assoc. 1,534.21, ser; The Sign Depot, 162.20, sup; Wash. Co. Bank, 3,423.97, eqp; Wash. Co.

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Sheriff, 5,534.27, contract; Wash. Co. HVAC, 247.00, ser; Wash. Co. Reg. Deeds, 6.50, fee; J. Boyd, 134.54, sup; S. Newman, 26.42, sup; October Payroll, 13,696.57. Following a question by Member Romans, members Halford, Genoways, Romans and Nelson voted "Aye", motion carried.

Washington County Sheriff commented on vandalism at Pioneer Park and reminding the city to submit the Estimate of Damages for the October 24, 2011 citation.

Member Genoways made a motion seconded by Member Romans to transfer ownership of the Traffic Trailer from the City to the Washington County Sheriff's Office for care, storage and usage throughout the entire county. With members Genoways, Romans, Nelson and Halford voting "Aye", motion carried.

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

Member Romans made a motion seconded by Member Nelson to approve the Planning Commission's recommendation to allow the Replat/Lot Consolidation of CC Lots 7 and 8 in Block 54 (11-17-12) requested by James and Anita Clary (908 Court Street). Following discussion, members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

Mayor Robinson stated consideration of recommended changes to the city's One-Mile ETJ was postponed for time to receive additional information.

Information relating to the Planning Commission's request for the City Council to contact Doug Cook, Washington County E-911 Coordinator; requesting revisions of the timing in the address assignment process within the City's One-Mile ETJ was presented and discussed. Following the discussion, Mayor Robinson stated he would speak with Mr. Cook regarding the addressing process in the city's ETJ.

Member Halford made a motion seconded by Member Genoways to accept the November 7, 2011 Enhancement Committee Meeting Minutes as published and the resignation of Dixie Humphrey from the committee. With members Romans, Nelson, Halford and Genoways voting "Aye", motion carried. Mayor Robinson publicly thanked Dixie Humphrey for her service to the community.

Maintenance Supervisor Steve Becker was absent from the meeting; copies of his report were distributed to the council members.

Mayor Robinson recommended Phil Tamisiea for appointment as the alternate on the Board of Adjustment. Member Genoways made a motion seconded by Member Romans to confirm the appointment of Phil Tamisiea. With members Nelson, Halford, Genoways and Romans voting "Aye", motion carried.

City Attorney Egr had no items to report.

City Engineer Woracek reported Cedar Construction Co. should be wrapping up the projects in SID Nos. 2011-1 and 2011-2 and SWSD No. 2011-1 and submitting a final pay application for the regularly scheduled December meeting.

Economic Development Report: None

Consideration of bids for scheduled maintenance: the bid from Cunningham Sandblasting & Painting Company, Inc. remained the same as in October; for interior, \$42,781.00 and exterior \$14,858.00 cleaning and coating of the Water Tower, subject to other optional services, if applicable. Rick Smith, Nebraska Regional Manager for Caldwell Tanks, provided an estimated bid price of \$67,000.00 for interior and exterior cleaning and 2-coat epoxy and acrylic coatings, based on the 2006 Inspection document provided to him on October 20, 2011. Mr. Smith requested additional time for the opportunity to price the work more accurately; having one of their NACE certified coatings inspectors inspect the tank at their cost. The item was tabled to the regularly scheduled December meeting.

Member Halford introduced agenda item: second request from the Park Board to purchase play equipment for the T-ball field area (presented October 2011), noting she and the park board were under the assumption that approval had been given for \$8,843.00 in Keno Funds for equipment [November 15, 2010 City Council meeting minutes specified - Tot's Choice, Item No. 718066J]. Kelli Shaner, President of the Park Board, explained the park boards delay with the 2010 proposal [December 20, 2010 City Council meeting minutes] and commented on the time spent this year reconsidering equipment options, and concerns of parents and the Park Board for safety issues for younger children attending games and practices at the T-ball field. Mrs. Shaner continued to explain details of the old and new plans; Park Board member Laura Shaner was then recognized and she provided diagrams showing the newly proposed equipment and its suggested placement, northeast of the T-ball field. Following comments/questions from the Mayor, Council Members and the City Attorney; Laura Shaner presented three pricing options for equipment, installation and additional materials starting at \$6,076.00 for the equipment only. Member Genoways made a motion seconded by Member Halford to approve the Park Boards recommendation to purchase BCI Burke playground equipment from Creative Sites, LLC, using Keno Funds for **up to** the \$8,276.00 maximum pricing; final determination will be based on participation/work/funding by others. With members Halford, Nelson and Genoways voting "Aye", Member Romans voting "No", motion carried.

Mayor Robinson recommended a 2% pay increase for all employees for the 2011/2012 fiscal year, retroactive to October 1, 2011. Member Genoways made a motion seconded by Member Romans to approve the recommendation. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

Mayor Robinson requested the Clerk present the additional information obtained from Blair, Arlington and Herman, concerning consideration of waving building permit fees for flood victims previously discussed at the October 17, 2011 meeting. Washington County Resolution No. 2011-43 and it's Exhibit "A" approved by the County Board of Supervisor's on September 27, 2011, was presented a second time for review and discussion. Member Romans made a motion seconded by Member Nelson to approve the waiving of permit fees for flood victims. Following discussion by Council Members, Mayor, Kelly and Jeff Shaner and others, the motions were withdrawn and the item was tabled to the regularly scheduled December meeting to allow time for further clarification of the Resolution from the County.

The Clerk and Bond Advisor, Phil Lorenzen, D.A. Davidson & Company presented a resolution and information regarding the early Call for Redemption of the Series 2004 Refunding Bonds, to provide

interest savings using accumulated special assessment payments paid early/in full. Mr. Lorenzen also gave a general overview of the city's outstanding bonded indebtedness and debt management options to be considered in the future.

Member Genoways introduced Resolution No. 2011 - 19 and moved its passage and adoption. Motion seconded by Member Romans. With no discussion, on roll call the following voted "Aye": Nelson, Halford, Genoways and Romans. The passage and adoption of said Resolution having been concurred by a majority of all members of the Council, the Mayor declared the Resolution No. 2011 – 19 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 - 19

RESOLUTION CALLING REFUNDING BONDS, SERIES 2004 FOR REDEMPTION

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

Section 1. That the following bonds are hereby called for redemption at par plus accrued interest on December 22, 2011 (the "Redemption Date") after which date said bonds shall cease to bear interest:

Refunding Bonds, Series 2004, date of original issue—September 1, 2004, in the principal amount of \$220,000, becoming due December 15, 2012 through December 15, 2014, both inclusive, issued to provide for refunding and retiring \$240,000 General Obligation Various Purpose Bonds, Series 1999 and defeasing and refunding \$360,000 General Obligation Various Purpose Bonds, Series 2000, all as set out in the Ordinance authorizing said Series 2004 Bonds, and to pay costs of issuance of the Series 2004 Bonds.

Section 2. Said bonds are payable at the office of the City Treasurer, in Fort Calhoun, Nebraska, as Paying Agent and Registrar.

Section 3. A copy of this resolution shall be filed at least 30 days prior to the date of call with the City Treasurer, in Fort Calhoun, Nebraska, as Paying Agent and Registrar, and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bonds.

PASSED AND ADOPTED this 21st day of November, 2011.

Mitch Robinson, MAYOR

ATTEST:

Linda Welsher, CITY CLERK

Member Romans made a motion seconded by Member Nelson to approve entering into a License and Grant of Permission Agreement with Jeff and Kelli Shaner for the use of Clay, 8th and 7th Street Right-of-ways as access to the driveway to their home being built at 225 North 7th Street, east of

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the city limits. Following discussion, members Genoways, Romans, Nelson and Halford voted "Aye", motion carried.

Member Romans made a motion seconded by Member Halford to allow Jeff and Kelli Shaner to access/hook up to the city water system with **up to** a 4" service line connecting to the 4" city water main in Adams Street. Following discussion, concerning the requirements by The Nebraska Department of Health and Human Services, members Romans, Nelson, Halford and Genoways voted "Aye", motion carried.

Member Genoways presented an overview of the need to establish a Flood Mitigation Plan with timetable, to protect the Wastewater Pump Station, Discharge Structure and the conveyance line from possible future flooding. Member Romans made a motion seconded by Member Halford to direct Member Genoways to communicate with the City of Blair and Doug Cook, the Washington County Flood Plain Administrator, about issues/ideas discussed. Following discussion, members Genoways, Nelson, Romans and Halford voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson giving authorization for the transfer of 50% of the ownership of Fort Calhoun Lottery, Inc. from Ralph and Sandy Givens to Knight Club Enterprises, LLC (Jeannie Knight) continuing with Edward Sobczyk, current President, Secretary-Treasurer, effective December 15, 2011; therefore allowing Knight Club Enterprises, LLC to proceed in the Nebraska Department of Revenue Charitable Gaming Licensing process. With members Halford, Genoways, Romans and Nelson voting "Aye", motion carried.

The discussion to consider paying additional principal on USDA Loan No. 92-02 was tabled indefinitely. Timing to be determined after additional information has been evaluated concerning estimated costs for flood mitigation plans for the Wastewater Pump Station, the Discharge Structure near Blair and the conveyance line in between.

Public Comments: None

Future agenda items: The One and Six Year Street Improvement Plan (Public Hearing, January 16, 2012)

Member Romans made a motion seconded by Member Nelson to adjourn. With all members present voting "Aye", the meeting adjourned at 8:44 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk