

City of Fort Calhoun

January 19, 2009

A special 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 January 19, 2009 in the City Council Chambers/Library at the City Hall in Fort Calhoun, Nebraska, for review of the Fort Calhoun "One and Six Year Street Improvement Program" draft.

On roll call, the following Council Members answered present: David Genoways, Darin Wilson, LeRoy Nelson and Mike Smith.

Notice of the meeting was given in advance thereof by publication and posting, said forms of notice being designated methods for giving notice, an affidavit of publication and 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.

The Mayor presided and the Clerk recorded the proceedings.

Mayor Oestmann 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.

At 7:05 o'clock p.m., Mayor Oestmann stated in accordance with the published notice, it was now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the proposed Fort Calhoun "One and Six Year Street Improvement Program" draft and the City Engineer, Ron Woracek gave an overview of the draft.

Mayor Oestmann then asked if there were any persons present who wished to be heard concerning the proposed program. Following a questions by the public, Mayor Oestmann declared the public hearing closed at 7:15 p.m.

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:30 o'clock p.m., on January 19, 2009 in the City Council Chambers/Library at the City Hall in Fort Calhoun, Nebraska. On roll call, the following Council Members answered present: Darin Wilson, LeRoy Nelson, Mike Smith and David Genoways.

Notice of the meeting was given in advance thereof by publication or posting, said forms of notice being designated methods for giving notice, an affidavit of publication or 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.

The Mayor presided and the Clerk recorded the proceedings.

Mayor Oestmann 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.

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Member Genoways made a motion seconded by Member Nelson to approve the December 15, 2008 and the January 5, 2009 minutes as published. With members, Nelson, Smith and Genoways voting "Aye", motion carried.

The Mayor administered the oath of office to appointed Council Member Darin Wilson. Member Wilson will work as a liaison between the City Council and the Planning Commission.

Member Genoways made a motion seconded by Member Smith to approve the Treasurer's Report as presented. With members Genoways, Wilson, Nelson and Smith and voting "Aye", motion carried.

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

OPPD, 2,884.36, ult; MUD, 564.80, ult; Papio M-R NRD, 7,156.85, water; Abe's Trash, 36.26, ser; Barco Products, 782.50, kiosk; Blair Tele, 376.13, utl; Blue Cross, 1,215.40, ins; Bomgaars, 76.00, sup; BHE, 1,490.00, lottery audits; Calhoun Oil, 644.99, fuel; Country Tire, 213.08, sup; DPC, 42.00, fee; Depository Trust, 8,950.00, bond int; Egr, James, 510.00, ser; Enterprise, 273.52, pub; FCCS, 1,940.00, fees; Great Plains, 13.78, fee; HD Waterworks, 541.60, sup; Home Depot, 130.07, sup; Hose & Handling, 72.07, sup; NE Dept Rev., 1,105.78, lottery tax; Max I. Walkers, 140.00, ser; Midwest Lab, 110.00, test; National Safety, 270.00, fee; NE Dept Rev., 1,233.59, sales tax; NE PHE Lab, 1,194.00, fee; New Frontier, 11,784.00, ins; NPZA, 40.00, fee; Office Max, 87.06, sup; PC Services, 116.00, ser; Postmaster, 207.68, sup; N. Jurek, 100.00, ser; Schemmers, 47,873.34, fee; Smithers, 675.00, sup; Solution One, 47.47, sup; Sprint/NEXTEL, 133.39, ser; Team Visa, 540.69, sup; K. Ohrt, 106.94, sup; Wash. Co. Roads, 310.00, sup; Washington County Sheriff, 5,338.51, contract; Wash. Co. Clerk, 50.00, fee; December Payroll, 22,224.85.

With members, Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Washington County Sheriff Report – no current concerns

Member Nelson made a motion seconded by Member Smith to accept the January 2009 Planning Commission minutes as presented. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried. The vacancy now existing on the commission was noted.

At 7:35 P.M. Mayor Oestmann stated in accordance with the published notice, it was now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the proposed recommendation made by the Planning Commission on the following item:

AN ORDINANCE TO ADOPT A REVISION TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF FORT CALHOUN NEBRASKA, AS REQUIRED BY ARTICLE 9, CHAPTER 19 OF THE REVISED STATUTES OF NEBRASKA AS AMENDED – *Revision of the Future Land Use Map and Table 6-2. Land Use Categories*

Mayor Oestmann asked the clerk if any written comments had been received. None

Mayor Oestmann then asked if there were any persons present who wished to be heard concerning the proposed ordinance regarding changes to the City's Future Land Use Map. Member Genoways stated the proposed map included future rural residential areas in the flood plain that should not be included. The Ordinance and proposed map will be returned to the Planning Commission for adjustments.

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There being no other comments, Mayor Oestmann declared the public hearing closed at 7:40 P.M.

Unfinished Business:

Mayor Oestmann recommended the following Commissioner appointments; Street – Nelson, Water - Wilson, Sewer - Genoways and Park – Smith; that David Genoways continue as the Council President; Jim Egr continue as City Attorney, Ron Woracek with Schemmer as City Engineer and Linda Welsher as the Clerk/Treasurer.

Member Genoways made a motion seconded by Member Smith to confirm those appointments. With members Wilson, Nelson, Smith and Genoways voting “Aye”, motion carried.

City Engineer Ron Woracek, TSA, gave status reports on the following: the Wastewater Conveyance Project and the Welchert/Knight improvements stating he just received cost numbers today from Cedar Construction to complete the project and that he needs to have a discussion with them. Council stated the willingness to hold a special meeting to approve the notice to proceed. TBA.

Member Genoways made a motion seconded by Member Nelson to approve Wastewater Conveyance Project Change Order No. 1, \$19,447.00 for horizontal directional drilling and required changes on the Cargill property location of the line, from Rutjens Construction. With members Genoways, Wilson, Nelson and Smith voting “Aye”, motion carried.

City Attorney Jim Egr briefly reported the status of the Knight/Welchert and Betts Circle matters to date.

Mayor Oestmann introduced the following Ordinance entitled:

AMENDING ARTICLE VII OF THE FORT CALHOUN MUNICIPAL CODE – PLANNING COMMISSION; MEMBERS; COMPENSATION; TERM; REMOVAL; VACANCIES AND ADDING A PROVISION FOR AND ALTERNATE MEMBER; COMPENSATION, TERM; REMOVAL; VACANCIES

Said Ordinance was designated as ORDINANCE NO. 616 and the title thereof was approved.

Member Genoways moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Nelson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted “Aye”: Wilson, Nelson, Smith and Genoways. The following voted “Nay”: NONE. The motion to suspend the rules was adopted by the required 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. 616 was then read by title and thereafter Member Smith moved for final passage of the ordinance, which motion was seconded by Member Genoways. On roll call, the following voted “Aye”: Nelson, Smith, Genoways and Wilson. The following voted “Nay”: NONE. The motion having been adopted by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared passed and adopted, and 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.

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A true and complete copy of ORDINANCE NO. 616 is on file at city hall and can be reviewed during normal business hours.

Mayor Oestmann introduced the following Ordinance entitled:

AMENDING SECTION 6-210 OF CHAPTER VI, ARTICLE II OF THE FORT CALHOUN MUNICIPAL CODE - CAPITAL FACILITY CHARGES FOR WATER SERVICE.

Said Ordinance was designated as ORDINANCE NO. 617 and the title thereof was approved.

Member Smith moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Genoways seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Smith, Genoways, Wilson and Nelson. The following voted "Nay": NONE. The motion to suspend the rules was adopted by the required 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. 617 was then read by title and thereafter Member Nelson moved for final passage of the ordinance, which motion was seconded by Member Genoways. On roll call, the following voted "Aye": Genoways, Wilson, Nelson and Smith. The following voted "Nay": NONE. The motion having been adopted by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared passed and adopted, and 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.

A true and complete copy of ORDINANCE NO. 617 is on file at city hall and can be reviewed during normal business hours.

New Business:

Member Genoways made a motion seconded by Member Nelson to approve the six (6) SDL requests from Lori Sandhoefner representing the St. John the Baptist Catholic Church, for the Annual Lenten Fish Fries scheduled on Fridays, February 27 – April 3, 2009, at Schwertley Hall. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Smith to approve Pay Application No. 3 from Rutjens Construction, \$190,064.17 for work completed on the Wastewater Conveyance Project, forwarding the request to the USDA for the required status/inspection meeting and their approval for payment to the contractor by the city. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Smith to approve Pay Application No. 1 from Carley Construction, \$19,717.20 for work completed to date on the Pioneer Park Walking Trail. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Public Comments: Stan Gage asked questions about city audits.

Member Genoways made a motion seconded by Member Smith to go into closed session to discuss personnel matters. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

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After the vote, Mayor Oestmann stated for the record, the motion was made, seconded and carried for the council to go into closed session to discuss personnel matters, Mayor Oestmann declared the meeting in closed session at 8:40 p.m.

The Council returned to open session at 9:00 P.M.

Motion was made by Member Smith and seconded by Member Wilson to adjourn. With all members voting "Aye", the meeting was declared adjourned at 9:01 P.M.

Paul L. Oestmann, Mayor

Attest:

Linda Welsher, CMC, City Clerk