

City of Fort Calhoun

March 16, 2009

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 March 16, 2009 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, Darin Wilson, LeRoy Nelson and Mike Smith.

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.

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.

Member Smith made a motion seconded by Member Nelson to approve the February 16, 2009 minutes with correction. With members, Wilson, Nelson, Genoways and Smith voting "Aye", motion carried.

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

Member Genoways made a motion seconded by Member Smith to approve the following bills as amended for payment:

OPPD, 3,527.53, ult; MUD, 528.98, ult; Papio M-R NRD, 5,688.35, water; Abe's Trash, 38.29, ser; Bi-State Motors, 37.24, rpr; Blair Book, 29.95, sup; Blair Tele, 377.13, utl; Blue Cross, 2,746.00, ins; Bomgaars, 308.18, sup; Calhoun Oil, 673.80, fuel; Miracle Recreation, 3,575.11, sup; DPC, 42.00, test; Depository Trust, 48,260.00, bond int; Egr, James, 951.80, ser; Enterprise, 246.88, pub; Great Plains, 31.31, fee; Home Depot, 329.67, sup; IIMC, 50.00, dues; Max I. Walkers, 170.00, ser; Meyer Labs, 200.64, sup; Midtown Holiday Inn, 454.65, trng; Murphy Tractor, 2,000.00, rental; New Frontier, 600.00, Ins; NE Dept Rev., 1,091.17, sales tax; NE PHE Lab, 416.00, test; Office Max, 119.72, sup; PC Services, 116.00, ser; Postmaster, 118.54, sup; N. Jurek, 100.00, ser; Schemmers, 25,736.30, fee; Simplex Grinnell, 63.00, ser; Solution One, 48.18, sup; Sprint/NEXTEL, 133.97, ser; Team Visa, 474.37, sup; Washington County Sheriff, 5,338.51, contract; R. Johnson, 210.62, misc; J. Ruma, 209.24, misc; February Payroll, 15,310.21.

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

Washington County Sheriff Report – Jason Hoffman presented information on a proposed K-9 Unit.

Member Wilson made a motion seconded by Member Genoways to accept the March 2 and 9, 2009 Planning Commission minutes as presented. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

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Presentations:

Bruce Fountain, AICP and Chris Solberg, Planner, Schemmers, presented Planning Commission Chair, Ralph Carter with the 2009 NPZA Appointed Official Service Award.

Paula Hazelwood, Executive Director of Gateway Development Corporation presented reasons for the city to work with Gateway in preparing a Nebraska Economic Development Certified Community Program Application. The extensive process would begin in April for submission this fall.

Member Genoways made a motion seconded by Member Smith to authorize Gateway Development to proceed with the process of preparing the Nebraska Economic Development Certified Community Application. With members, Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

At 7:50 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:

Preliminary Plat Proposal for the Fort Calhoun Fire Station property, a Major Subdivision (Lot Consolidation) of Lots 7 through 12, Block 73, Calhoun Company Addition (10-17-12), currently known as 600 North 14th Street, Fort Calhoun, NE 68023.

Mayor Oestmann asked the clerk if any written comments had been received. The recommendation letter from Chris Solberg, Planning Consultant was noted.

Following comments, Mayor Oestmann declared the public hearing closed at 7:51 p.m.

Member Genoways made a motion seconded by Member Nelson to approve concurrently the Preliminary and Final Plats for the consolidation of Lots 7 through 12 in Block 73, Calhoun Company Addition requested by the Fort Calhoun Rural Fire Protection District. Following discussion and Mayor Oestmann's recognition of work done by Wilson and Genoways, members Nelson, Smith, Genoways and Wilson voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the Memorandum of Understanding concerning Stevenson Street between the Fort Calhoun Rural Fire District and the City. Following discussion the motion was amended due to changes made by the Fire District at its meeting on March 12, received at tonight's meeting. A motion was then made by Member Wilson, seconded by Member Genoways accepting the MOU as amended. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Unfinished Business:

City Engineer Ron Woracek, TSA, gave status reports on the Wastewater Conveyance Project; Oxidation Ditch; Welchert/Knight improvements; 15th Street overlay and the proposed demolition at the sewer plant.

City Attorney Jim Egr recommended his report on legal matters be given in closed session at the end of the meeting.

Mayor Oestmann distributed department report samples to be adapted for use by staff.

Member Genoways made a motion seconded by Member Smith to change the city office hours to 8:00 a.m. - 4:00 p.m. and to continue maintenance hours from 7:00 a.m. - 3:30 p.m.,

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Monday through Friday, allowing for flex time as needed/approved to accommodate projects, weather, and workload, minimizing the need for overtime. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Genoways introduced RESOLUTION NO. 2009 - 03 and moved for its passage and adoption. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Wilson, Nelson, Smith and Genoways. The following voted "Nay", NONE. Motion carried.

A true and complete copy of the said resolution is as follows:

RESOLUTION NO. 2009 – 03

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, THAT THE REVISED PERSONNEL MANUAL AS PREPARED BY THE CITY COUNCIL PRESIDENT AND AS AMENDED BY THE CITY COUNCIL BE AND IS HEREBY ADOPTED.

BE IT FURTHER RESOLVED THAT A COPY OF SAID MANUAL BE FILED IN THE CITY OFFICE AND COPIES PROVIDED TO CURRENT AND FUTURE CITY EMPLOYEES.

ADOPTED THIS 16th DAY OF MARCH 2009

PAUL L. OESTMANN, MAYOR

ATTEST:

LINDA WELSHER, CMC, CITY CLERK

New Business:

Member Genoways made a motion seconded by Member Smith to accept the February 26 and March 12, 2009 Park Board Minutes as presented. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the request from the WCHA to close Monroe Street between 14th and 15th Streets and 15th Street between Monroe and Court Streets, for a Tractor event scheduled for all day Saturday, August 15, 2009. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried. The City Attorney advised WCHA they must include the City as an additional insured on their Event Insurance.

Member Genoways made a motion seconded by Member Smith to approve Pay Application No. 5 from Rutjens Construction, \$123,340.47 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, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve Change Order No. 2, Rutjens Construction, for I Beam installation in the Lift Station, \$6,336.00. With members, Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to approve Pay Application No. 6 from Cedar Construction Company, \$83,969.14 for work completed on the Welchert/Knight Commercial Park Public Improvements. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

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Member Nelson made a motion seconded by Member Smith to approve Change Order No. 4, Cedar Construction Company, for a portable pump emergency connection and drawdown piping, \$500.00. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to designate April 25 through May 3, 2009 as the Annual Spring Clean-up, allowing for a community dumpster at the maintenance shop for city residents, and to allow open burning during the same dates, per Fort Calhoun Rural Fire District regulations. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Public Comments:

Member Genoways voiced concerns raised by residents about parking on Clay Street during the annual fish fries.

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

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 pending legal matters, Mayor Oestmann declared the meeting in closed session at 8:55 p.m.

The Council returned to open session at 9:24 p.m.

Motion was made by Member Smith and seconded by Member Nelson to adjourn. With all members voting "Aye", the meeting was declared adjourned at 9:25 p.m.

Paul L. Oestmann, Mayor

Attest:

Linda Welsher, CMC, City Clerk