

City of Fort Calhoun

April 20, 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 April 20, 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.

With a quorum present, 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 Genoways to approve the March 16, 2009 minutes as published. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

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

Member Smith made a motion seconded by Member Wilson to approve the following bills for payment:

Team Bank, 5,856.60, equip; CJ's Tree, 650.00, ser; OPPD, 2,867.57, ult; MUD, 345.69, ult; Papio M-R NRD, 4,510.85, water; Abe's Trash, 38.29, ser; Am. Broadband, 380.15, utl; Bi-State Motors, 338.17, rpr; Bennington Imp. 178.96, sup; Blue Cross, 1,725.60, ins; Bomgaars, 138.22, sup; Calhoun Oil, 771.87, fuel; Country Tire, 249.28, sup; Data Tech, 95.00; DPC, 42.00, test; Dennis Carlson, 4,495.00, ser; Egr, James, 467.50, ser; Enfield's Tree, 760.00, ser; Enterprise, 168.74, pub; Great Plains, 38.38, fee; Husker Chemical, 990.00, ser; IIMC, 125.00, fee; Jay Lawn's, 90.00, ser; J. Jones, 400.00, contract; Judt Electric, 437.40, ser; Lottery Tax, 1,146.35; L. Nelson, 100.00, sup; Max I. Walkers, 136.00, ser; Meyer Labs, 816.12, sup; Midwest Lab, 110.00, test; NE Dept Rev., 1,503.76, sales tax; NE PHE Lab, 832.20, test; Obrecht Ind, 21.35, ser; Office Max, 65.66, sup; PC Services, 116.00, ser; Postmaster, 117.06, sup; N. Jurek, 100.00, ser; Quality Inn, 117.90, trng; Schemmers, 18,006.22, fee; Sensus, 1,320.00, contract; Smithers, 700.00, sup; Solution One, 51.77, sup; Sprint/NEXTEL, 135.84, ser; Team Visa, 460.91, sup & training; Washington County Court, 41.50, fee; Washington County Register/Deeds, 11.00, fee; Washington County Sheriff, 5,338.51, contract; Washington County Treasurer, 1,237.17, tax; L. Welsher, 117.04, sup & reimb; March Payroll, 13,974.31.

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

Washington County Sheriff Report – abbreviation definition clarification.

Member Genoways made a motion seconded by Member Nelson to recognize the change of day and time for the regular testing of the tornado sirens to the first Wednesday of the

City of Fort Calhoun

month at 11:00 a.m. beginning on May 6, 2009 throughout the Washington County. With members Wilson, Nelson, Smith and Genoways voting "aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the request for \$2,000.00 of City Keno Funds by the Washington County Sheriff's Office to assist in the funding of a new K-9 unit for law enforcement purposes, as a benefit to the community as a whole. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Nelson made a motion seconded by Member Genoways to accept the April 6, 2009 Planning Commission minutes 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 implementation of the process and letter procedures as recommended by the Planning Commission - Housing Code Committee to handle properties identified as having possible/noted code violations, as a courtesy before implementation of official action as outlined in the Municipal Code. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Presentations/Guests:

Mayor Oestmann acknowledged Jerry Mink and twelve members of Boy Scout Troop No. 114. Mr. Mink shared the troop is working on their "Citizenship of the Community" certification and explained they were present to see how a City Council meeting runs.

Julia Robinson, Project Coordinator, Project Extra Mile with student member Sara Jacobs gave a presentation concerning underage drinking statistics. Following, Mayor Oestmann read a Proclamation proclaiming April 2009 as Alcohol Awareness Month in Fort Calhoun, calling upon all citizens, parents, governmental agencies, public and private institutions, businesses and schools in Fort Calhoun to support efforts that will prevent underage drinking throughout our community. Member Genoways made a motion seconded by Member Nelson to support the Proclamation. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Wilson made a motion to reconsider the previously approved housing code violation letters, seconded by Member Nelson. Following additional comments by Wilson the following members, Genoways, Wilson, Nelson and Smith voted "No", motion failed.

Curt Reiter, President of Microfilm Imaging Systems gave a brief overview on the services that could be provided to preserve and archive the city's permanent documents. Member Genoways requested additional information be submitted for review at a later date.

Unfinished Business:

City Engineer Ron Woracek, TSA, gave status reports on the Wastewater Conveyance Project:

Mayor Oestmann stated if there is no objection items 9.1 through 9.8 will be considered in the order presented by the engineer, hearing none, the order was as follows.

Member Genoways made a motion seconded by Member Smith to approve Change Order No. 3 – Rutjens Construction, \$11,690.63. With members Smith, Genoways, Wilson and Nelson voting "Aye" motion carried.

City of Fort Calhoun

Member Genoways made a motion seconded by Member Nelson to approve Pay Application No. 6 - Rutjens Construction, \$302,176.21 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.

Discussion of the proposed WWTP Demolition bid from Rutjens Construction, \$83,279.00 was tabled for further research and exploration of other options.

Discussion on the Revision of Public Works Garage & Maintenance Facility was tabled

Discussion on Water Distribution System Extension to serve WWTP Site and the feasibility of a future extension to Desoto Park Estates and Lemley's Trailers and Cabins was tabled for further research concerning funding options.

Discussion concerning the OPPD estimates for providing power to Lift Station and/or to provide power to the development was tabled for further research by the city engineer and city attorney.

Following discussion on projected options and costs for the 2009 - 15th Street Overlay, the city engineer was directed to prepare the project for advertisement for bids.

Following discussion on Wilkinson Industries, Inc. non-compliance with the 2007 in-flow repair directive, the city attorney was directed to contact the company for resolution.

City Attorney Jim Egr gave an overview of risk management practices following 2007 changes in the recreation liability laws and the proposed compromise for field use. Mr. Egr also reported that the Legal Brief has been filed with the Nebraska Court of Appeals on the original Knight/Welchert case.

Mayor Oestmann stated if there is no objection the department reports will be moved to the end of the agenda, hearing none, the agenda order was changed.

Member Nelson made a motion to accept the proposed property donation (Tax Lots 129 and 131) by Agnes Smith. The motion failed for lack of second.

Member Genoways introduced RESOLUTION NO. 2009-04 and moved for its passage and adoption. Motion seconded by Member Nelson. Member Wilson noted a correction to line (2), on roll call the following voted "Aye": Wilson, Nelson, Smith and Genoways. The following voted "Nay", NONE. Motion carried as corrected.

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

RESOLUTION NO. 2009 - 04

WHEREAS, Washington County, Nebraska has amended its Driveway Access Rules and Regulations with their Resolution No. 2009-19; and,

WHEREAS, it is in the best interest of the City of Fort Calhoun, Washington County, Nebraska to also adopt the hereinafter stated amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA AS FOLLOWS:

- (1) Driveway Access Rules and Regulations effective with the passage of the Resolution will require a FIVE HUNDRED DOLLARS (\$500.00) Certified or Cashier's check as a deposit for all driveways constructed onto hard surfaced roads in Washington County within the

City of Fort Calhoun

City of Fort Calhoun's One-Mile Extra Territorial Jurisdiction that requires a like "Hard-Surfaced Apron."

- (2) Said driveway apron to be constructed with six inch (6") depth of concrete surfacing.
- (3) Each such driveway apron must be completed within one (1) year after obtaining a driveway permit.
- (4) Failure to complete the prescribed driveway aprons stated aforesaid will result in the following:
 - (A) Forfeiture of the aforesaid deposit.
 - (B) The apron will be constructed by a contractor selected by the County and the same taxed as a special assessment to the property.
- (5) These Amendments to be effective upon passage of this Resolution.

Dated: April 20, 2009

By: Paul L. Oestmann, Mayor, City of Fort Calhoun

Attest:

Linda Welsher, City Clerk

New Business:

Member Smith made a motion seconded by Member Genoways to accept the April 9, 2009 Park Board Minutes as presented. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to have foam soap dispensers purchased and installed in all of the park restrooms. With members Wilson, Nelson, Smith and Genoways voting "aye", motion carried.

Member Smith made a motion seconded by Member Genoways accept the arrangement made between the Park Board, City Attorney, Commissioner Smith and Member Wilson to waive the need to have a Certificate of Liability Ins. on file for field use by the Friday Night League. With members, Smith, Genoways, Wilson and Nelson voting "aye", motion carried. The League organizers were encouraged to check with their Homeowner's Ins. concerning liability matters.

Member Genoways made a motion seconded by Member Nelson to allow summer VBS students to paint two old picnic tables for placement at the T-Ball Field; city furnishing paint. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to authorize the Maintenance Supervisor to hire a person for the part-time seasonal mowing position following the April 30, application deadline. With members, Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Nelson made a motion seconded by Member Genoways to allow the use of Keno funds to purchase and install electric hand dryers in the Pioneer and West Market Square Park restrooms. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to accept the March 2 and April 6, 2009 Enhancement Committee Minutes as presented. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Nelson made a motion seconded by Member Smith to approve the purchase of ten custom banners from Display Sales, with \$1,150.00 from the Enhancement Fund, using the

City of Fort Calhoun

2004 First Prize winning design by Daniel Meyer "*Gateway to the Past... Pioneers of the Future*". With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

No action was taken on the request from Gene Fitzgerald for the installation of a mid-block street light between 15th and 16th Street on Adams Street.

David Genoways, Fort Atkinson Foundation Member, gave an overview of State Funding cut-backs for Historical Parks throughout Nebraska and the pending issues, requesting everyone to contact Senator Scott Lautenbaugh and Game and Parks Commissioner Mick Jensen. Mayor Oestmann will contact them for the city.

Public Comments:

Stan Gage requested attention to various drainage tubes that are plugged. David Genoways raised awareness of erosion problems at 9th and Monroe Streets. LeRoy Nelson reported there is a cistern located on the View Point Park property. Mike Smith reported on the to-date status of the View Point Park sidewalk.

There being no further business a motion was made by Member Nelson and seconded by Member Genoways to adjourn. With all members voting "Aye", the meeting was declared adjourned at 10:10 p.m.

Paul L. Oestmann, Mayor

Attest:

Linda Welsher, CMC, City Clerk