

City of Fort Calhoun

May 17, 2010

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 May 17, 2010 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 and 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's Assistant 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 Wilson made a motion seconded by Member Smith to amend something previously adopted: the Meeting Minutes of March 15, 2010; all special bracketed commentary notes should be stricken from those minutes. With members Wilson voting "Aye" and members Nelson, Smith and Genoways voting "No", motion failed.

Member Genoways made a motion seconded by Member Nelson to approve the April 19, 2010 minutes as published. With members Nelson, Smith, Wilson and Genoways voting "Aye", motion carried.

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

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

OPPD, 3,354.47, ult; MUD, 168.13, ult; Papio M-R NRD, 4,672.85, water; Abe's Trash, 99.58, ser; Am. Broadband, 462.40, utl; Barone Security, 288.00, ser; Blue Cross, 1,811.60, hlth ins; Bi-State, 132.30, sup; Bomgaars, 90.96, sup; Boyle Hess, 540.00, audit; Calhoun Oil, 529.63, fuel; Carnes Paint, 99.99, sup; Country Tire, 82.78, sup; City of Blair, 3,634.06, ser; Egr, James, 531.25, ser; Enfield's, 2,280.00, ser; Enterprise, 477.20, pub; Great Plains Communications, 14.95, ser; Great Plains One-Call, 40.97, fee; Great Southern Bank Visa, 851.33, sup; HD Waterworks, 852.75, sup; Home Depot, 236.88, sup; Husker Chemical, 1,025.00, ser; IIMC, 125.00, dues; Loveland, 547.35, sup; Max I. Walkers, 146.64, ser; Maid/USA, 120.00, ser; NE/IA Supply, 542.11, sup; NE Dept Rev., 2,211.87, sales tax; New Frontier, 1,113.00, ins; PC Services,

116.00, ser; Postmaster, 102.20, sup; Quill, 91.77, sup; Reyzlik HW, 112.26, sup; Schemmer, 2,680.00, ser; Smithers, 900.00, sup & ser; Solution One, 51.10, ser; Sprint/NEXTEL, 135.17, ser; Washington County Sheriff, 5,534.27, contract; L. Welsher, 128.96, reimb; J. Boyd, 164.69, sup; April Payroll, 14,383.36. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Washington County Sheriff Report – no comments.

Member Smith made a motion seconded by Member Genoways to accept the May 3, 2010 Planning Commission minutes as presented. With members Genoways, Wilson, Nelson and Smith voted "Aye", motion carried.

There were no Park Board Minutes for May, meeting was cancelled.

Member Genoways made a motion seconded by Member Nelson to approve the Facility Use Agreement with Triple Crown Sports for a Baseball Tournament at the ball field, June 17 through July 1, 2010. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Smith made a motion seconded by Member Nelson to accept the May 3, 2010 Enhancement Minutes as published. With members Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

At 7:35 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 consideration of an Ordinance for annexation of Tax Lots 172, 79 and 154 (11-17-12), properties located east of North 13th Street.

Mayor Oestmann asked the clerk's assistant 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 program.

Edmund Talbot, representing the Lewis' (Tax Lot's 179 & 72) shared comments and concerns. There being no other comments, Mayor Oestmann declared the public hearing closed at 7:40 p.m.

At 7:40 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 consideration of an Ordinance for annexation of Tax Lots 164, 165, 131, 132, 129, 143 and 125 (11-17-12), properties located west of the city limits on what is considered Monroe Street.

Mayor Oestmann asked the clerk's assistant 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 program.

Nick Schuler, Tim Oelke and Mark Alshouse shared comments and concerns in opposition to the annexation. There being no other comments, Mayor Oestmann declared the public hearing closed at 7:48 p.m.

Member Genoways made a motion seconded by Member Nelson to approve the SDL request from the St. John the Baptist Catholic Church Knights of Columbus for the annual Big Red Dinner scheduled at Schwertley Hall on July 31, 2010. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Wilson gave a brief overview on notable changes needed in the City's Municipal Code Section 1-132 that will be considered later in the agenda.

City Engineer Woracek reported on considerations for identifying prospective Planning Consultants; the Mayor will meet with him for additional information in the near future. He also stated the proposed curb on Madison Street as described would be fine at this time; additional storm drainage can be done any time in the near future as projected in the CIP.

Member Smith made a motion to move forward with the curb and approve the bid from Rock Hard Concrete, motion seconded by Member Genoways. During discussion it was determined that the quotes were for different lengths of curb. Member Smith withdrew his motion as did Member Genoways his second. New bids will be obtained.

City Attorney Egr reported on the pending legal matters.

Member Genoways reported there is an Economic Development related item for consideration later on the agenda.

There was no action on removal of two street trees; more estimates are needed concerning the removal of the trees adjacent to Lots 7 & 8 in Block 20.

Member Genoways moved RESOLUTION NO. 2010 - 05 be adopted. Motion seconded by Member Nelson. Following discussion concerning typographical errors, on roll call, the following voted "Aye": Genoways, Wilson, Nelson and Smith. The following voted "Nay": NONE. Motion carried.

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

RESOLUTION FOR PARTICIPATION IN

PAPIO-MISSOURI RIVER NRD MULTI-HAZARD 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, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and

Whereas, the Papio-Missouri River Natural Resource District is proposing to serve as the coordinating agency for the development of multi-jurisdictional Multi-Hazard 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 governmental entities,

Therefore, be it resolved the Fort Calhoun Mayor and City Council hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend meetings and participate in those activities necessary to complete and effectively plan for the public we serve.

IN WITNESS WHEREOF, this resolution was approved and executed this 17th day of May, 2010.

THE CITY OF FORT CALHOUN, NEBRASKA
Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Member Genoways moved RESOLUTION NO. 2010 – 06 be adopted. Motion seconded by Member Smith. Following discussion, questions and comments from Jake Hansen, Community/Economic Development Manager with MAPA; Member Wilson made a motion to suspend the rules, to allow revision of the Resolution, Member Smith seconded. On roll call, the following voted “Aye”: Wilson and Smith. The following voted “Nay”: Nelson and Genoways. Mayor Oestmann voted “Nay” to break the tie, motion failed. Mayor Oestmann then called for a vote on the original motion to adopt the resolution. On roll call the following voted “Aye” Nelson and Genoways. The following voted “Nay”: Wilson and Smith. Mayor Oestmann voted “Aye” to break the tie, motion carried and Resolution No. 2010 – 06 was adopted.

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

A RESOLUTION ADOPTING AN ECONOMIC DEVELOPMENT STRATEGIC PLAN FOR THE CITY OF FORT CALHOUN, NEBRASKA

WHEREAS, THE City Council of the City of Fort Calhoun, Nebraska has committed to the development of an Economic Development Strategic Plan for the City of Fort Calhoun; and,

WHEREAS, the Fort Calhoun Strategic Planning Committee has participated in the formulation of the plan, and recommends that the City of Fort Calhoun adopt said Plan;

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NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Fort Calhoun, Nebraska, herewith adopts said plan, incorporating citizen comment and recommendations.

PASSED AND APPROVED on this 17th day of May, 2010.

THE CITY OF FORT CALHOUN, NEBRASKA
Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Member Genoways introduced the following Ordinance No.643 entitled:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTIONS 17-405.01 ET. SEQ. OF THE REVISED STATUTES OF NEBRASKA, AS AMENDED, BY ANNEXATION THERETO A CERTAIN TRACT OF ADJACENT AND CONTIGUOUS LAND LYING WITHIN THE EXTRATERRITORIAL ZONING AND SUBDIVISION JURISDICTION OF THIS CITY, PRESENTLY ZONED FOR AGRICULTURAL USE AND LEGALLY DESCRIBED AS TAXLOTS 79, 154, AND 172 IN THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID TAXLOT 154, ALSO BEING THE INTERSECTION OF THE NORTH LINE OF STEVENSON STREET RIGHT-OF-WAY AND THE EAST LINE OF 13TH STREET RIGHT-OF-WAY, THENCE NORTH 00° 00'43" EAST (ASSUMED BEARING) FOR 620.97 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE SOUTH 89°16'57" EAST FOR 208.62 FEET ALONG THE NORTH LINE OF SAID TAXLOT 172; THENCE SOUTH 04°06'48" EAST FOR 333.76 FEET ALONG THE EAST LINES OF SAID TAXLOTS 172, ALSO BEING THE CENTERLINE OF THE ABANDONED CHICAGO AND NORTHWESTERN RAILROAD; THENCE SOUTH 89°52'59" EAST FOR 172.82 FEET ALONG THE NORTH LINE OF SAID TAXLOT 154; THENCE SOUTH 00°00'43" WEST FOR 629.49 FEET ALONG THE EAST LINE OF SAID TAXLOT 154; THENCE NORTH 89°58'17" WEST FOR 40.37 FEET ALONG THE SOUTH LINE OF SAID TAXLOT 154, ALSO BEING THE EASTERLY EXTENSION OF THE NORTH LINE OF VACATED GRANT STREET RIGHT-OF-WAY; THENCE NORTH 00°00'51" WEST FOR 344.35 FEET ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF 12TH STREET RIGHT-OF-WAY; THENCE NORTH 89°59'54" WEST FOR 364.90 FEET ALONG THE SOUTH LINE OF SAID TAXLOT 154, ALSO BEING THE NORTH LINE OF STEVENSON STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING. ABOVE DESCRIBED PARCEL CONTAINS 4.67 ACRES, MORE OR LESS.

and moved for the first reading to be approved. Member Smith seconded the motion and following comments by Mayor Oestmann and Member Wilson, upon roll call vote on the motion the following Council Members voted AYE: Nelson, Smith, Genoways and Wilson. ABSENT: None. The following voted NO: None; motion carried. The second reading of the Ordinance No. 643 will at the regularly scheduled meeting on June 21, 2010.

Member Genoways introduced the following Ordinance No. 644 entitled:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTIONS 17-405.01 ET. SEQ. OF THE REVISED STATUTES OF NEBRASKA, AS AMENDED, BY ANNEXATION THERETO A CERTAIN TRACT OF ADJACENT AND CONTIGUOUS LAND LYING WITHIN THE EXTRATERRITORIAL ZONING AND SUBDIVISION JURISDICTION OF THIS CITY, PRESENTLY ZONED FOR AGRICULTURAL USE AND LEGALLY DESCRIBED AS TAX LOTS 125, 129, 131, 132, 143, 164 AND 165 IN THE SOUTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 11; THENCE NORTH 00°00'00" EAST (ASSUMED BEARING) FOR 1209.16 FEET ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER TO THE POINT OF BEGINNING; THENCE SOUTH 89°44'14" WEST FOR 148.21 FEET ALONG THE SOUTH LINE OF SAID TAXLOT 143; THENCE SOUTH 04°10'28" WEST FOR 73.54 FEET ALONG THE EAST LINE OF SAID TAXLOT 125; THENCE SOUTH 89°17'29" WEST FOR 308.06 FEET ALONG THE SOUTH LINE OF SAID TAXLOT 125; THENCE THE FOLLOWING TWO (2) COURSES ALONG THE WEST LINE OF SAID TAXLOT 125: (1) NORTH 05°46'43" EAST FOR 388.87 FEET (2) NORTH 07°45'31" WEST FOR 202.48 FEET; THENCE SOUTH 89°16'14" WEST FOR 441.20 FEET ALONG THE SOUTH LINE OF SAID TAXLOT 164; THENCE NORTH 00°02'25" EAST FOR 362.78 FEET ALONG THE WEST LINE OF SAID TAXLOT 164; THENCE NORTH 89°10'53" EAST FOR 890.78 FEET ALONG THE NORTH LINE OF SAID TAXLOT 164; THENCE SOUTH 00°00'00" WEST FOR 879.58 FEET ALONG THE EAST LINE OF SAID TAXLOTS 165, 131, 129 AND 143, ALSO BEING THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER TO THE POINT OF BEGINNING. ABOVE DESCRIBED PARCEL CONTAINS 13.12 ACRES, MORE OR LESS.

and moved for the first reading to be approved. Member Nelson seconded the motion and following comments by Member Smith, upon roll call vote on the motion the following Council Members voted AYE: Genoways, Wilson and Nelson. ABSENT: None. The following voted NO: Smith; motion carried. The second reading of the Ordinance No. 644 will at the regularly scheduled meeting on June 21, 2010.

Member Genoways introduced Ordinance No. 645 entitled:

AN ORDINANCE AMENDING ARTICLE III – ADMINISTRATION SECTION 1-311: MEETINGS; ORDER OF BUSINESS, AND TO AMEND SECTION 1-312: MEETINGS; PARLIMENTARY PROCEDURE, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

and moved that the statutory rule requiring reading on three different days be suspended. Member Nelson seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Genoways, Wilson, Nelson and Smith. ABSENT: None. The following voted NO: None. The motion to suspend the rules was

adopted by three-fourths of the City Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Member Smith moved for final passage of the ordinance, which motion was seconded by Member Nelson. The Mayor then stated the question was "Shall Ordinance No. 645 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Nelson, Smith, Genoways and Wilson. ABSENT: None. The following voted NO: None. The passage and adoption of said ordinance having been concurred in by three-fourths of all members of the Mayor and City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

Josh Christensen presented a proposal to pioneer an extension to the city water main approximately 1,000' to the west of the city along the south side of Clay Street/CR P32 with a blow off hydrant at the end of the line. Member Genoways made a motion seconded by Member Smith. Following questions and comments by the city engineer and proposed contractor, John Sutherland; it was determined more information was needed and additional review of the recently revised NeDHHS Title 179 regulations was necessary; the motion and second were withdrawn.

Member Genoways requested discussion of Municipal Code 6-306 through 6-310: Sanitary Sewer Connections. Following the discussion, Member Genoways made a motion to commit to work on procedures and specifications for implementing mandatory sewer connections as provided in the regulations, Smith seconded. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion carried. Mayor Oestmann will appoint interested members to work on the project.

Member Genoways made a motion seconded by Member Nelson to approve the scheduled vehicle replacement with the purchase a 2010 F250 4x4 as outline in the 2010-2015 CIP. Following discussion, Members Genoways and Nelson withdrew their motion and second. Member Genoways then made a motion seconded by Member Nelson to purchase the 2010 F250 4x4 for \$25,812.00 subject to budgeted financing. With members Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Smith to approve the Clerk's request to attend the 2010 Municipal Accounting and Finance Conference in Kearney, June 16 – 18, 2010. With members Nelson, Smith, Genoways and Wilson voting "Aye", motioned carried.

Public Comments:

Steve Becker stated some responses to the Sump Pump notices and letters have been received; Steve has told those residents with pumps connected to the sanitary sewer to contact him for inspection after they have been corrected.

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Tim Oelke, as a school bus driver, commented on the need for sidewalks on 10th Street, Monroe Street to Madison Street as a number of small elementary children walk that street, which is also a bus route, to the Elementary School; the situation is very dangerous for the children on that street, especially this past winter.

Member Smith made a motion seconded by Member Nelson to adjourn. With all members voting "Aye", the meeting adjourned at 9:03 p.m.

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk