

City of Fort Calhoun

May 18, 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 May 18, 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 April 20, 2009 minutes as corrected. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

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

OPPD, 3,005.09, ult; MUD, 246.30, ult; Papio M-R NRD, 5,460.35, water; Abe's Trash, 95.61, ser; Am. Broadband, 471.14, utl; Barone Security, 288.00, ser; Blue Cross, 1,725.60, ins; Bomgaars, 259.86, sup; BHE, 680.00, audits; Calhoun Oil, 880.17, fuel; Carley Construction, 563.55, ser; City of Blair, 10,000.00, fee; Downs Elec, 3,542.15, ser; DPC, 42.00, test; Egr, James, 1,168.75, ser; Enfield's Tree, 760.00, ser; Enterprise, 343.45, pub; Great Plains, 96.42, fee; Home Depot, 75.08, sup; Matt Parrott, 558.19, ofc. sup; Max I. Walkers, 136.00, ser; Midwest Lab, 75.00, test; Murphy Tractor, 850.00, rpr; NE Dept Rev., 1,284.33, sales tax; Office Max, 170.60, sup; PC Services, 116.00, ser; Postmaster, 119.32, sup; Reyzlik HW, 8.74, sup; Schemmers, 35,025.80, fee; Solution One, 51.99, sup; Sprint/NEXTEL, 135.00, ser; Team Visa, 139.19, sup; Washington County Planning, 450.00, fee; Washington County Sheriff, 5,338.51, contract; April Payroll, 15,470.45. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Washington County Sheriff Report – unavailable.

Member Genoways made a motion seconded by Member Nelson to accept the May 4, 2009 Planning Commission minutes as presented. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the un-kempt property letters be signed and sent. With members, Genoways, Wilson, Nelson and

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Smith voting "Aye", motion carried. Mayor Oestmann stated properties were not being singled out; this is the first phase to try to resolve issues that have been noted for some time.

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

Member Wilson made a motion seconded by Member Genoways that the city retains the decision on rainouts on the ball fields, and that the city employee making the decision be responsible for contacting a single representative of each organized entity, and that those entities be responsible for further dissemination. With members, Nelson, Genoways and Wilson voting "Aye" and Smith voting "No", motion carried.

Member Genoways made a motion seconded by Member Smith to approve the agreement for the Triple Crown Baseball Tournament, June 11 – 26. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to approve Paul Bayer's Eagle Scout Project in Pioneer Park as proposed and directed by the Park Board. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Mike Storjohann, representing American Broadband reviewed updates on the Cable TV system currently being worked on in Fort Calhoun.

Mayor Oestmann stated if there is no objection he would like to move the SDL items for consideration before the Unfinished Business to accommodate the applicants. Member Wilson moved to take up New Business Items 12 and 13 out of order. With members Genoways, Wilson, Nelson and Smith voting "Aye" and hearing no public objections, motion carried.

Member Genoways made a motion seconded by Member Smith to approve the SDL request for the Fort Calhoun Jaycee's Annual Street Dance on Saturday, August 1, 2009, which will be moved back on to Court Street this year. Member Wilson reminded that the Certificate of Insurance with the city as an additional insured must be on file for the event. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the SDL request for the Knight's of Columbus' Annual Big Red Dinner on Saturday, August 15, 2009 to be held in Schwertley Hall. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

City Attorney Jim Egr gave an overview of pending legal matters: waiting on the Court of Appeals on the Knight/Welchert matter; Judge Quist has not offered any opinion on the Betts Circle case to date; Wilkinson's cost-share request on the storm water run-of matter.

Member Smith made a motion to cost-share storm drainage improvements required at the south end of the Wilkinson Industries, Inc. plant building. Motion failed due to the lack of a second. The city attorney was directed to send the company a letter.

City Engineer Ron Woracek, TSA, gave a status report on the Wastewater Conveyance Project – the project is substantially complete and close-out and final pay application should be in June.

Member Genoways made a motion seconded by Member Nelson to approve Pay Application No. 7 - Rutjens Construction, \$128,620.20 (corrected) for work completed on the Wastewater Conveyance Project, forwarding the request to the USDA for the required

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status/inspection meeting. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve Pay Application No. 2 – Carley Construction, \$87,525.77 for work completed to date on the Pioneer Park Walking Trail. With members, Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Wilson made a motion to approve the proposed change order for the Pioneer Park Trail, \$4,500.00. The motion failed due to the lack of a second.

Discussion on proposed sewer rates was tabled to the June meeting.

Discussion on the proposed WWTP Demo and the Water Distribution System Extension was tabled.

The bids for the repair and overlay of 15th Street were accepted.

Member Genoways introduced Resolution No. 2009-05 and moved for its passage and adoption. Motion seconded by Member Smith. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

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

RESOLUTION NO. 2009-05

RESOLUTION OF THE MAYOR AND CITY COUNCIL ACCEPTING THE BID FOR THE CONSTRUCTION OF IMPROVEMENTS OF THE 15TH STREET PAVEMENT REPAIRS AND OVERLAY PROJECT, IN THE CITY OF FORT CALHOUN, NEBRASKA.

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

Section 1. That plans, specifications and estimates of cost have been prepared by the City's Engineers, Schemmer Architects, Engineers & Planners, 1044 North 115th Street, Suite 300, Omaha, Nebraska and filed in the office of the City Clerk and previously approved by the Mayor and City Council, be and hereby are approved by the Mayor and City Council for the construction of the 15th Street Pavement Repairs and Overlay, in the City of Fort Calhoun, Nebraska, and the prior actions of the Mayor and City Council are ratified and approved.

Section 2. That the Mayor and City Council further find and determine that the bid for the furnishing of labor, tools, materials and equipment required to construct the repairs, overlay and such other work as may be incidental thereto in the 15th Street Pavement Repairs and Overlay Project in the City of Fort Calhoun, Nebraska, as submitted by the following contractor is the lowest and best bid received as follows:

<u>Name and Address of Bidder</u>	<u>Amount of Bid</u>
<u>Western Engineering Company, Inc., PO Box 350, Harlan, Iowa 51537</u>	<u>\$85,946.00</u>

AND BE IT FURTHER RESOLVED, that the bid as above set forth, filed with the City Clerk in accordance with the terms of published notice calling for the proposals for furnishing of labor, tools, materials and equipment required to construct said improvements and such other

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work as may be incidental thereto in the 15th Street Pavement Repairs and Overlay Project in the City of Fort Calhoun, Nebraska, be and the same is hereby accepted.

PASSED AND APPROVED this 18th day of May 2009

CITY OF FORT CALHOUN NEBRASKA

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, City Clerk

The May 4, 2009 Enhancement Committee Minutes were unavailable.

Departmental Reports: General - no discussion; Planning & Zoning, look into utility connection requirements; Streets - status of plugged drainage tubes complaint; Water - water extension feasibility, meter replacement plans and a request from Ralph Carter concerning late notification of leak were discussed; Sewer - budget & cash reporting were discussed; Parks - status of filling of the cistern in View Point Park.

Member Wilson made a motion seconded by Member Genoways to adjust Ralph Carter's water bill by 120,100 gallons based on the delayed notification date of the problem. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Nelson to approve the Phase One Bid from Bob Gloden of \$5,200, for the saw-cut and repair of Clay Street between 10th and 12th Streets, to be completed thirty days from the start date, with a \$50.00 per day penalty if not completed in the required time. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the clerks request to attend the 2009 Municipal Accounting and Finance Conference in Kearney, June 17 – June 19. With members, Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Genoways – commented on various properties that need mowing letters.

Member Smith made a motion seconded by Member Nelson to adjourn. With all members voting "Aye", the meeting adjourned at 9:55 p.m.

Paul L. Oestmann, Mayor

Attest:

Linda Welsher, CMC, City Clerk