

City of Fort Calhoun

June 21, 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 June 21, 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, LeRoy Nelson and Mike Smith. Absent: Darin Wilson.

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 Nelson to approve the May 17 and June 1, 2010 minutes as published. With members Nelson, Smith, and Genoways voting "Aye", Wilson absent, motion carried.

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

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

OPPD, 3,523.16, ult; MUD, 160.86, ult; Papio M-R NRD, 5,485.85, water; Abe's Trash, 549.36, ser; Am. Broadband, 427.95, utl; Andy's Mow Town, 49.00, sup; Batteries Plus, 195.00, sup; Blue Cross, 1,901.94, hlth ins; Barco, 121.47, sup; Bi-State, 24.34, sup; Bomgaars, 428.93, sup; Boyle Hess, 182.70, audit; Calhoun Oil, 1,535.18, fuel; City of Blair, 4,646.82 & 44.00, ser; Corrpro, 417.50, ser; Depository Trust, 5,943.75, int; Egr, James, 467.50, ser; Enterprise, 249.26, pub; Great Plains Communications, 29.90, ser; Great Plains One-Call, 61.56, fee; Great Southern Bank Visa, 124.26, sup; Harbor Freight, 106.95, sup; HD Waterworks, 284.49, sup; Judt Elec., 242.49, ser; Martin Marietta, 504.96, rock; Max I. Walkers, 183.30, ser; Maid/USA, 120.00, ser; J. McNamara, 690.00, ser; NE Dept Rev., 1,873.18, sales tax; NE DHHS, 20.00, test; New Frontier, 11,582.00, ins; Omaha Tractor, 149.99, sup; PC Services, 224.00, ser; Postmaster, 368.20, sup & fee; R. Gloden, 300.00, ser; Reyzlik HW, 55.90, sup; Schemmer, 4,785.34, ser; Schmader Elec., 2,791.00, ser; Solution One, 61.79, ser; Sprint/NEXTEL, 261.28, ser; Sign Depot, 28.75, sup; Wash. Co. HVAC, 50.00, ser; Wash. Co. Roads, 231.00, culvert; Wash. Co. Reg. Deeds, 16.50, fee; Washington County Sheriff, 5,534.27, contract; L. Welsher, 25.20, reimb; L.

Schuler, 77.33, sup; May Payroll, 14,908.94. With members Smith, Genoways and Nelson voting “Aye”, Wilson absent, motion carried.

Washington County Sheriff Report – no comments.

Member Smith made a motion seconded by Member Genoways to accept the June 7, 2010 Planning Commission minutes as presented. With members Genoways, Nelson and Smith voted “Aye”, Wilson absent, motion carried.

Member Nelson made a motion seconded by Member Genoways to accept the June 3, 2010 Park Board meeting notes as presented. With members Smith, Genoways and Nelson voting “Aye”, Wilson absent, motion carried.

Member Smith made a motion seconded by Member Nelson to accept the June 7, 2010 Enhancement Committee minutes as presented. With members Nelson, Smith, and Genoways voting “Aye”, Wilson absent, motion carried.

At 7:34 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 application from McGowan Properties for a REPLAT of LOT 5 – BLK 1 in Southern Heights (14-17-12), Fort Calhoun, Nebraska into two lots for townhomes.

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 request: None

There being no comments, Mayor Oestmann declared the public hearing closed at 7:35 p.m.

Member Genoways made a motion seconded by Member Nelson to approve the REPLAT request from McGowan Properties of LOT 5 – BLK 1, Southern Heights into two lots for townhomes. With members Smith, Genoways and Nelson voting “Aye”, Wilson absent, 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 the amendment of the Fort Calhoun Comprehensive Development Plan – updating 14 maps.

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 amendment: None

There being no comments, Mayor Oestmann declared the public hearing closed at 7:36 p.m.

Member Genoways made a motion seconded by Member Smith to approve the SDL request from the Fort Calhoun Jaycee's for the annual Street Dance scheduled on July 31, 2010 to be held adjacent to the Community Building and on 12th and Court Streets. With members Genoways, Nelson and Smith voting "Aye", Wilson absent, motion carried.

Mayor Oestmann appointed Mike Smith and David Genoways as a committee to work on procedures and specifications for implementing mandatory sewer connections as provided in regulations 6-306 through 6-310 of the Municipal Code.

There was no action on the bids for removal of two street trees adjacent to Lots 7 & 8 in Block 20; more options were requested concerning the trees and/or construction, placement and design of a sidewalk.

Member Smith made a motion to approve the low bid from Rock Hard Concrete, \$4,260.00, to install curb and gutter on the north side of Madison Street, 14th to 15th Street. Motion was seconded by Member Genoways. With members Nelson, Smith and Genoways voting "Aye", Wilson absent, motion carried.

City Engineer Woracek was unable to attend the meeting.

Member Genoways made a motion seconded by Member Nelson to approve Pay Application No. 1 – Cedar Construction Company, \$70,406.78, for work completed on the Water Main Extension to the Wastewater Pump Station Site, forwarding the request to the USDA for the required status/inspection meeting. With members, Nelson, Smith and Genoways voting "Aye", Wilson absent, motion carried.

City Attorney Egr reported on the pending legal matters.

There was no report on Economic Development this month.

Member Smith introduced the second reading of 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 second reading to be approved. Member Genoways seconded the motion and, upon roll call vote on the motion the following Council Members voted AYE: Genoways, Nelson and Smith. ABSENT: Wilson. The following voted NO: None; motion carried. The third reading of the Ordinance No. 643 will at the regularly scheduled meeting on July 19, 2010.

Member Genoways introduced the second reading of 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 second reading to be approved. Member Nelson seconded the motion. Following comments by Member Smith, and failure of his requested amendment to remove Tax Lots 125 and 164 from the Annexation Ordinance; the council heard comments from Tim Oelke. Upon roll call vote on the original motion the following Council Members voted AYE: Genoways and Nelson. ABSENT: Wilson. The following voted NO: Smith; motion failed. Mayor Oestmann conferred with the city attorney that the annexation proposal will have to start over with the Planning Commission.

Member Nelson introduced Ordinance No. 646 entitled:

AN ORDINANCE TO ADOPT A REVISIONS 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; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. (Amending 14 maps)

and moved that the statutory rule requiring reading on three different days be suspended. Member Smith seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Nelson, Smith and Genoways. ABSENT: Wilson. 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 Genoways. The Mayor then stated the question was "Shall Ordinance No. 646 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Genoways, Nelson and Smith. ABSENT: Wilson. 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.

Member Genoways moved RESOLUTION NO. 2010 - 07 be adopted. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Smith, Genoways and Nelson. The following voted "Nay": NONE. Wilson absent, motion carried.

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

RESOLUTION NO. 2010 - 07

A RESOLUTION APPROVING, THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2011 THROUGH 2016.

City of Fort Calhoun

WHEREAS, the City of Fort Calhoun, Nebraska finds it beneficial and necessary for the City to annually prepare and adopt a Capital Improvements Program which establishes projects to be considered and undertaken during the next fiscal year to plan for the future and finds it beneficial and necessary for the City to propose projects for the balance of a six (6) year period to plan for the future and assist in the project process of the City; and

WHEREAS, a Capital Improvement Program will be a method of implementing the goals and policies contained in the Comprehensive Plan of the City of Fort Calhoun, Nebraska so the City and Planning Commission are coordinating their efforts; and

WHEREAS, a Capital Improvement Program has been prepared for the Mayor of the City of Fort Calhoun, Nebraska to submit to the City Council; the same having been prepared by the Planning Commission, Departments of the City, and other interested divisions of the City, and

WHEREAS, the City Planning Commission has reviewed the FY 2011 through 2016 Capital Improvement Program as submitted by the Mayor and recommends adoption by the City Council; and

WHEREAS, after study and consideration, it is the belief of this City Council that approval of the Capital Improvement Program for FY 2011 through 2016 is in the best interest of the City of Fort Calhoun, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA

That the Capital Improvement Program for FY 2011 through 2016, attached hereto and make a part by reference, is hereby approved by the City Council of Fort Calhoun, Nebraska,

ADOPTED AND APPROVED this 21st day of JUNE 2010

CITY OF FORT CALHOUN, NEBRASKA

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Member Genoways introduced Ordinance No. 647 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO AMEND AND COMPLETELY REVISE ARTICLE III FIREWORKS; REGULATING THE POSSESSION, STORAGE, DISTRIBUTION, SALE, USE OR DISCHARGE OF ANY FIREWORKS WITHIN THE CITY OF FORT CALHOUN, NEBRASKA; ADDING PERMISSIBLE FIREWORKS DESIGNATION; ADDING FIREWORKS EXCEPTIONS; ADDING FIREWORKS RESTRICTIONS; ADDING GENERAL REQUIRMENTS FOR STANDS, BOOTHS OR OTHER PLACES OF SALE; ADDING PROVISION FOR FIRE EXTINGUISHER; COMPLIANCE WITH STATE LAW; TO REQUIRE RETAIL LICENSING OF ALL RETAIL SELLERS OF FIREWORKS; TO LIMIT ONE

LOCATION PER LICENSE; TO PROVIDE AN APPLICATION FOR LICENSE; HEARING REQUIREMENT; WAIVER OF HEARING; IMPOSE AN ANNUAL LICENSE FEE; ESTABLISH A CONSENT FOR BOND; BOND FORFEITURE AND RETURN; TO REQUIRE LIABILITY INSURANCE UPON SUCH LICENSEES; DEFINE PLACE OF BUSINESS; REQUIRE INSPECTIONS; REQUIRE DISPLAY OF LICENSE; DURATION OF LICENSE; ESTABLISH AGE OF MANAGER ON PREMISES; AND TO PROVIDE PROVISIONS FOR VIOLATIONS AND PROVIDE FOR PENALTIES; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO ESTABLISH WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

and moved for the first reading to be approved. Member Nelson seconded the motion and following comments by Paul Janecek, Rick Nelson and Fire Chief Smith; upon roll call vote on the motion, the following Council Members voted AYE: Nelson, Smith, Genoways and. ABSENT: Wilson. The following voted NO: None; motion carried. The second reading of the Ordinance No. 647 will at the regularly scheduled meeting on July 19, 2010.

Agnes Smith arrived and requested permission to address the council concerning a little history on the property adjacent to the existing west city limits; Mayor Oestmann allowed her comments.

There was no action on the Pioneer Drive agenda item.

Steve Becker provided information and background on recent issues with the drainage ditch running east from the city to the wastewater pump station site. Following comments by Aage Jensen, member of the Fort Calhoun Drainage District and Member Genoways; staff was directed to contact the Washington County Roads Department to arrange a meeting for consultation concerning issues with the ditch and to determine existing and future plans for the ditch and culverts, including responsibility.

Member Smith made a motion seconded by Member Genoways to approve the bid for concrete repairs on Clay Street west of 14th Street, received from Robert Gloden, \$4,950.00; work to be completed in 30 days. With members Nelson, Smith and Genoways voting "Aye", Wilson absent, motion carried.

Member Smith made a motion seconded by Member Genoways to approve the bid for concrete repairs on Monroe Street west of 15ht St., received from Robert Gloden, \$4,575.00; work to be completed in 30 days. With members Nelson, Smith and Genoways voting "Aye", Wilson absent, motion carried.

Public Comments:

Member Smith asked if arrangements had been made to repair the pot hole in the highway.

Jo McGowan and Jeannie Knight had questions/comments concerning the June 1, 2010 special meeting. After which a concerned and upset citizen asked in public if she could talk to the council members without others present. Therefore, following the concerned and upset

City of Fort Calhoun

citizen's request to speak privately, the public who were in attendance left the council chambers without objection.

Member Smith made a motion seconded by Genoways Nelson to adjourn. With all members in attendance voting "Aye", the meeting adjourned at 8:50 p.m.

At the request of the concerned and upset citizen the council heard the concerns and took no action.

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk