

City of Fort Calhoun

July 20, 2009

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:33 o'clock p.m., on July 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 June 15, 2009 minutes as corrected and the June 29, 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 Genoways made a motion seconded by Member Smith to approve the following bills for payment:

OPPD, 3,158.67, ult; MUD, 107.24, ult; Papio M-R NRD, 5,850.35, water; Abe's Trash, 97.55, ser; Am. Broadband, 425.93, utl; Bennington Imp., 35.24, sup; Bi-States, 21.17, sup; Blue Cross, 1,811.60, ins; Bomgaars, 410.83, sup; Calhoun Oil, 1,193.86, fuel; CEMEX, 147.56, rock; City of Blair, 3,162.03, ser; Depository Trust, 8,950.00, int; Diamond Fence, 4,586.00, fences; DPC, 42.00, test; Egr, James, 1,657.50, ser; Enterprise, 627.39, pub; Gerhold, 2,885.90, concrete; Gloden, R., 7,900.00, ser; Great Plains, 59.05, fee; HD Waterworks, 635.72, sup; Holiday Inn, 139.90, trng; Home Depot, 267.26, sup; Lottery Tax, 887.38; Max I. Walkers, 137.00, ser; Maid/USA, 240.00, ser; NE Dept Rev., 1,535.50, sales tax; NE Pub Health, 1,036.00, test; PC Services, 195.95, ser; Plumbing Works, 189.90; Postmaster, 405.48, sup & permit; Quill, 259.92, sup; Reyzlik HW, 22.70, sup; Schemmers, 57,196.98, fee; Solution One, 56.42, sup; Sprint/NEXTEL, 148.99, ser; Team Visa, 184.82, sup & postage; The Sign Depot, 184.58, sup; Utilities Service, 450.00, ser; Washington County Register of Deeds, 5.50, fee; Washington County Surveyor, 6.25, fee; Washington County Sheriff, 5,338.51, contract; NeFP & SW, 10.00, trng; L. Welsher, 259.05, mileage; June Payroll, 16,071.18. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Washington County Sheriff Report – June report provided.

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

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

Fort Calhoun Community Schools Superintendent, Jerry Beach addressed the council outlining a project proposed for the community building. Member Genoways made a motion seconded by Member Smith to approve the request from Mr. Beach for \$5,000.00 in Keno funds to share in the cost of the community betterment project, proposed by community volunteers, to remove existing ceiling insulation; for the application of spray foam insulation and painting of the interior of the gym area of the community building. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

City Attorney's report was deferred to closed session.

City Engineer Ron Woracek, TSA, reported the section of curb on 15th Street is complete and the repairs and overlay should be underway by next week. The status of the final payment to the WW Conveyance contractor is still pending resolution of the two items reported last month.

Member Genoways made a motion seconded by Member Nelson to approve the request from Rutjens Construction for reimbursement of \$3,087.00 paid to OPPD for the new service at the delivery station. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Follow-up discussion on the proposed USDA Loan application for the demolition of the unused portion of the WWTF and the extension of a water line to the Pump Station was taken up at this time. Member Genoways made a motion seconded by Member Nelson to direct Janice Stopak, to proceed with the application of additional funding, not to exceed \$200,000.00. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Mayor Oestmann introduced the following Ordinance entitled:

AN ORDINANCE TO SET CLOSING HOURS OF THE CITY PARKS OF THE CITY OF FORT CALHOUN, NEBRASKA; TO CLARIFY THAT BALL FIELDS ARE INCLUDED IN CITY PARKS; TO STATE WHAT IS UNLAWFUL; TO DEFINE "LOITER"; TO PROVIDE FOR PENALTY; TO REPEAL ALL CONFLICTING PROVISIONS OF OTHER ORDINANCES OR PARTS THEREOF; AND TO PROVIDE WHEN THIS ORDINANCESHALL BE IN FULL FORCE AND EFFECT.

Said Ordinance was designated as ORDINANCE NO. 619 and the title thereof approved.

Member Nelson moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Smith seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Nelson and Smith. The following voted "No": Genoways and Wilson. The motion to suspend the rules failed due to lack of the required three-fourths of the members elected to the Council.

Member Smith made a motion seconded by Member Nelson to approve the first reading of Ordinance No. 619, as listed above. With members Smith, Wilson and Nelson voting "Aye", Genoways voting "No", motion carried. Second reading of the Ordinance will be at the regular August meeting.

Member Smith requested the tree branch drop off item on the agenda, it was determined by general consensus that the maintenance department had been previously directed to come up with a proposal, to designate a location, hours of operation and costs. No action.

There was discussion on clarification of policy, procedure and Municipal Code regarding the city's direction on the construction of sidewalks.

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Member Wilson made a motion to set aside the two requests for property owners to install sidewalks on Adams Street. Motion failed due to the lack of a second.

During that same discussion, the city attorney was directed administratively to prepare information on requirements for forming Sidewalk Districts; and, to prepare information and possible Ordinance to clarify the existing Municipal Code on sidewalks. The discussion continued concerning responsibility for trees in the Right-of-Way. The maintenance department was directed to determine city obligations for installation of sidewalks from 14th to 15th on Adams, when a district is created.

Departmental Reports: those requiring direction were: Planning & Zoning – issue with fence at 711 North 14th needs to be resolved before August meeting; Water – Darin Wilson is working with software companies on utility billing issues. Maintenance Supervisor Becker was unable to attend this meeting.

Member Genoways made a motion seconded by Member Smith to approve the recommendation to contract with Great Plains Communications, Inc. for web services to redesign and host the city's webpage. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Nelson made a motion seconded by Member Genoways to approve the bid from Robert Gloden, \$4,200.00 for concrete repairs on Clay Street from 13th to 14th Street. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Smith requested consideration of the bid to remove and reconstruct the concrete walkway to View Point Park, be tabled to the regular August meeting to allow time to obtain additional bid proposals.

Member Smith made a motion seconded by Member Genoways to go into closed session to discuss pending legal matters. With members Nelson, Smith, Genoways and Wilson 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 9:50 p.m.

The Council returned to open session at 10:05 p.m.

Member Smith made a motion seconded by Member Genoways to adjourn. With all members voting "Aye", the meeting adjourned at 10:05 p.m.

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk