

## City of Fort Calhoun

August 17, 2009

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:35 o'clock p.m., on August 17, 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 July 20 and August 3, 2009 minutes as published. With members, Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to accept 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 Nelson to approve the following bills for payment; the motion was amended by Member Genoways to include the Sprint/Nextel bill received today and seconded by Member Nelson:

OPPD, 3,066.66, ult; MUD, 127.47, ult; Papio M-R NRD, 7,240.85, water; Abe's Trash, 107.59, ser; Am. Broadband, 426.76, utl; Barco, 537.22, sup; Bi-States, 7.03, sup; Blue Cross, 1,811.60, ins; Bomgaars, 370.62, sup; Calhoun Oil, 885.34, fuel; Carpenter Paper, 38.58, sup; City of Blair, 3,186.07, ser; Depository Trust, 55,862.50, bond principal and interest; Egr, James, 1,105.00, ser; Enterprise, 228.76, pub; Gerhold, 1,748.26, concrete; R. Gloden, 4,200.00, ser; Great Plains, 37.84, fee; Great Southern Bank, 6,106.30, equip; Hose & Handling, 41.08, sup; League of Nebraska, 353.00 and 1,978.00, dues; Max I. Walkers, 140.00, ser; Maid/USA, 120.00, ser; Midwest Lab, 6.46, fee; NE Dept Rev., 1,624.78, sales tax; NE Pub Health, 10.00, test; Ortmeier's, 74.79, sup; PC Services, 116.00, ser; Postmaster, 166.96, sup; Quill, 226.72, sup; Schemmers, 13,382.91, fee; Solution One, 80.36, sup; Sprint/NEXTEL, 213.51, ser; Team Visa, 282.69, sup & misc; The Sign Depot, 74.35, sup; Tri-County, 60.00, ser; Washington County Planning, 53.00, fee; Washington County Register of Deeds, 6.00, fee; Washington County Treasurer, 1,237.17, tax; Washington County Sheriff, 5,338.51, contract; B. Lukasiewicz, 300.00, ser; L. Anderson, 250.00, refund; L. Welsher, 85.80, mileage; Wash. Co HVAC (Aire Ser), 247.00, fee; Bill Soll, 4,194.50, contract; July Payroll, 25,117.07. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Washington County Sheriff Report – July report provided.

Member Genoways made a motion seconded by Member Nelson to approve the Addendum to the 2008 – 2010 Agreement between Washington County and the City of Fort Calhoun for Law Enforcement, increasing the annual fee by 3.7%; from \$63,462.14 to \$65,811.29 for the 2009 – 2010

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Fiscal Year; authorizing the Mayors signature. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to accept the August 3, 2009 Planning Commission minutes as presented. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Nelson made a motion seconded by Member Genoways to accept the August 13, 2009 Park Board Minutes as presented. With members, Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the Park Boards recommendation to direct the city engineers to begin work seeking grant funding to connect the Fort Calhoun and the Pioneer Park trails. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Park Board Member Laura Shaner drew attention to the Park Board Minutes stating another item should have been listed on the agenda recommending the City Council require all ball field users to pay the field usage fee by the 2010 season. A motion was considered, but it was determined the motion would be invalid as the item was not on the agenda. Consideration will be acted on at the regular September meeting.

The August Enhancement Committee minutes were not received

At 7:50 P.M. Mayor Oestmann stated in accordance with the published notice, it was now time to conduct public hearings relative to hearing support, opposition, criticism, suggestions or observations relating to the proposed recommendations made by the Planning Commission on the following items consecutively:

AN ORDINANCE AMENDING ARTICLE 2 "DEFINITIONS", SECTION 218 OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE OUTDOOR STORAGE CONTAINERS

Mayor Oestmann asked the clerk if any written comments had been received. None

Following questions, Mayor Oestmann declared the public hearing closed at 7:52 p.m.

AN ORDINANCE AMENDING ARTICLE 6 "SUPPLEMENTAL USE REGULATIONS", OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO ALLOW FOR THE USE OF OUTDOOR STORAGE CONTAINERS

Mayor Oestmann asked the clerk if any written comments had been received. None

Following comments by Member Wilson and there being no public comments, Mayor Oestmann declared the public hearing closed at 7:54 p.m.

AN ORDINANCE AMENDING ARTICLE 12 "ADMINISTRATION AND PROCEDURES", OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE "CIVIC" TO THE LIST OF USES REQUIRING SITE PLAN REVIEWS

Mayor Oestmann asked the clerk if any written comments had been received. None

Following comments by Member Wilson and there being no public comments, Mayor Oestmann declared the public hearing closed at 7:56 p.m.

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### AN ORDINANCE AMENDING THE FORT CALHOUN COMPREHENSIVE PLAN TO FIX ERRORS TO THE CITY LIMITS DEPICTED IN THE ANNEXATION PHASING MAP

Mayor Oestmann asked the clerk if any written comments had been received, only from the Planning Consultant.

Following comments by Member Genoways and there being errors on the proposed map, Mayor Oestmann declared the public hearing closed at 8:01 p.m.

### AN ORDINANCE TO ANNEX TAX LOT 94 (11-17-12) PROPERTY LOCATED ADJACENT TO THE ABIDING FAITH BAPTIST CHURCH

Mayor Oestmann asked the clerk if any written comments had been received, only those from the Planning Consultant.

Following comments by Member Wilson and there being no public comments, Mayor Oestmann declared the public hearing closed at 8:03 p.m.

City Attorney reported on the status of several pending legal matters and reviewed city code and state statutes concerning the construction of sidewalks, recommending the city amend the current code to include procedures for sidewalk districts. Members Wilson and Genoways also shared opinions sidewalks. Member Wilson made a motion to recall the two letters previously sent requesting for property owners to install sidewalks on Adams Street. Motion failed due to the lack of a second. The city attorney was directed to begin the process to revise the city code and the clerk was directed to have the prepared Resolution for Lots 7 & 8 in Block 20, a.k.a. 208 North 14<sup>th</sup> Street on the agenda for the regular September meeting.

City Engineer Ron Woracek, TSA, reported the 15<sup>th</sup> Street repair overlay project stating the following items have been transmitted to the contractor: Cut down the fill area 3-4 inches and grade it 3 feet behind the curb. At the 3 foot mark slope the fill to the existing grade at a 4:1 (3:1 for the property at the corner of 15<sup>th</sup> and Madison). Round the edge so that in the future a mower doesn't shave the grass down to the dirt. Bring in top soil material and place 3-4 inches over the entire fill area. The project should resume on Thursday, August 20 depending on weather.

Member Genoways made a motion seconded by Member Nelson to approve Pay Application No. 7 (Final), Cedar Construction Company, \$20,539.18 for the completion of the Welchert-Knight Commercial Park Public Improvements – Street, Water and Sewer Districts 2006-2. Following discussion concerning the four panels of concrete that need to be replaced, members Genoways, Wilson, Nelson and Smith voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Smith to have the city engineers proceed with Specifications for the WWTF Demolition and the Water Extension to the Wastewater Conveyance Pumping Station. Following discussion, members Wilson, Nelson, Smith and Genoways voted "Aye", motion carried.

Member Smith made a motion seconded by Member Nelson to approve the second reading of Ordinance No. 619, as listed below. With members Nelson, Smith and Wilson voting "Aye", Genoways voting "No", motion carried. Third and Final reading of the Ordinance will be at the regular September meeting.

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.

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Council Member Genoways offered the following resolution and moved its adoption:

RESOLUTION CONFIRMING THE ACCEPTANCE OF THE WORK IN STREET IMPROVEMENT DISTRICT NO. 2006-2; IN SANITARY SEWER EXTENSION DISTRICT NO. 2006-2; AND, IN WATER EXTENSION DISTRICT NO. 2006-2, IN THE CITY OF FORT CALHOUN, NEBRASKA

WHEREAS, the City of Fort Calhoun, Nebraska did heretofore enter into contract with Cedar Construction Company, Omaha, Nebraska, for the, construction of improvements in Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-2; and, in Water Extension District No. 2006-2, which contract was duly approved by the Mayor and City Council and executed in accordance with such action.

WHEREAS, the contract for the work in Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-2; and, in Water Extension District No. 2006-2, in the City of Fort Calhoun, Nebraska, has now been completed in accordance with the terms and stipulations of the plans and specifications according to the reports and recommendations of the City's Engineers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Fort Calhoun, Nebraska, that the certificates of completion and the recommendations of acceptance by the City's Engineers The Schemmer Associates, and the work completed in Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-2; and, in Water Extension District No. 2006-2, in the City of Fort Calhoun, Nebraska, have heretofore been accepted by action of the Mayor and City Council and now be and hereby are accepted, and that the improvements constructed under the contracts referred to above be accepted and the prior action of the Mayor and Council in the acceptance of the work and the improvements be and hereby are ratified and confirmed.

Passed and approved this 17<sup>th</sup> day of August, 2009.

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

ATTEST:

Linda Welsher, CMC, City Clerk

Council Member Nelson seconded the motion. The Mayor stated the question "Shall Resolution No. 2009-07 be passed and adopted?" Upon roll call, the following voted AYE: Smith, Genoways, Wilson and Nelson. ABSENT: None. The following voted NO: None. The passage and adoption of said Resolution having been concurred in by a majority of all the members of the City Council, the Mayor declared the Resolution adopted.

Council Member Genoways offered the following resolution and moved its adoption:

RESOLUTION RECEIVING AND FILING PLATS AND SCHEDULES OF ASSESSMENTS BASED ON THE REPORT OF COST OF THE IMPROVEMENTS AS CERTIFIED BY THE CITY'S ENGINEERS FOR THE CALCULATION OF SPECIAL ASSESSMENTS PROPOSED TO BE LEVIED IN STREET IMPROVEMENT DISTRICT NO. 2006-2; IN SANITARY SEWER EXTENSION DISTRICT NO. 2006-2; AND, IN WATER EXTENSION DISTRICT NO. 2006-2.

Whereas the City of Fort Calhoun has heretofore contracted for and accepted the work of the contractor in Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-

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2; and, in Water Extension District No. 2006-2, and based on the Engineers' statement of costs and certificates of completion there have been prepared and presented to the Mayor and City Council plats and schedules of assessments proposed to be levied in said District.

Now, therefore, be it resolved by the Mayor and City Council that said plats and schedules of assessments in Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-2; and, in Water Extension District No. 2006-2 are hereby ordered to be received and placed on file in the Office of the City Clerk.

Passed this 17<sup>th</sup> day of August 2009.

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Council Member Smith seconded the motion. The Mayor stated the question "Shall Resolution No. 2009-08 be passed and adopted?" Upon roll call, the following voted AYE: Genoways, Wilson, Nelson and Smith. ABSENT: None. The following voted NO: None. The passage and adoption of said Resolution having been concurred in by a majority of all the members of the City Council, the Mayor declared the Resolution adopted.

Council Member Genoways offered the following resolution and moved its adoption:

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

Section 1. That the Mayor and City Council will meet as a Board of Equalization at 8:00 o'clock p.m., on the 21<sup>st</sup> day of September 2009, at the City Hall in Fort Calhoun, Nebraska to consider the levy of special assessments in Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-2; and, in Water Extension District No. 2006-2;

Section 2. That the notice of said meeting shall be given to all persons appearing to have an interest in said properties subject to assessment in said Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-2; and, in Water Extension District No. 2006-2, by publication in five (5) issues of the Enterprise Newspaper, a newspaper of general circulation in the City of Fort Calhoun, Nebraska, on the following dates:

August 21, 2009

August 28, 2009

September 4, 2009

September 11, 2009

September 18, 2009

Section 3. That the City Clerk be and hereby is instructed to mail a copy of said Notice to all known resident and non-resident owners of property in Street Improvement District No. 2006-2; in Sanitary Sewer Extension District No. 2006-2; and, in Water Extension District No. 2006-2 and to any other party appearing to have a direct interest in such action or proceedings; and

Section 4. That at said time and place, the Mayor and City Council of said City will grant a hearing to all persons interested and will pass a resolution making said special assessments as provided by law.

City of Fort Calhoun

Passed this 17<sup>th</sup> day of August 2009.

Paul L. Oestmann, Mayor

ATTEST:

Linda Welscher, CMC, City Clerk

Council Member Nelson seconded the motion. The Mayor stated the question "Shall Resolution No. 2009-09 be passed and adopted?" Upon roll call, the following voted AYE: Wilson, Nelson, Smith and Genoways. ABSENT: None. The following voted NO: None. The passage and adoption of said Resolution having been concurred in by a majority of all the members of the City Council, the Mayor declared the Resolution adopted.

Council Member Genoways then introduced Ordinance No. 621 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2009, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF SIX HUNDRED NINETY THOUSAND DOLLARS (\$690,000) TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-2 (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2006-2; TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 2006-2; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; DETERMINING THE ORDINANCE TO BE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS OF THE CITY AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Nelson seconded the motion to suspend the rules and 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. 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 Council Member Smith moved for final passage of the ordinance, which motion was seconded by Council Member Nelson. The Mayor then stated the question was "Shall Ordinance No. 621 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Smith, Genoways, Wilson and Nelson. 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.

Council Member Genoways then introduced Ordinance No. 622 entitled:

AN ORDINANCE AMENDING ARTICLE 2 "DEFINITIONS", SECTION 218 OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE OUTDOOR STORAGE CONTAINERS.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Smith seconded the motion to suspend the rules and 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.

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Said ordinance was then read by title and thereafter Council Member Smith moved for final passage of the ordinance, which motion was seconded by Council Member Genoways. The Mayor then stated the question was "Shall Ordinance No. 622 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Smith, Genoways, Wilson and Nelson. 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.

Council Member Smith then introduced Ordinance No. 623 entitled:

AN ORDINANCE AMENDING ARTICLE 6 "SUPPLEMENTAL USE REGULATIONS", OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO ALLOW FOR THE USE OF OUTDOOR STORAGE CONTAINERS.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Genoways seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Wilson, Nelson, Smith and Genoways. 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 Council Member Nelson moved for final passage of the ordinance, which motion was seconded by Council Member Genoways. The Mayor then stated the question was "Shall Ordinance No. 623 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.

Council Member Genoways then introduced Ordinance No. 624 entitled:

AN ORDINANCE AMENDING ARTICLE 12 "ADMINISTRATION AND PROCEDURES", OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE CIVIC TO THE LIST OF USES REQUIRING SITE PLAN REVIEWS.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Nelson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Wilson, Nelson, Smith and Genoways. 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 Council Member Smith moved for final passage of the ordinance, which motion was seconded by Council Member Genoways. The Mayor then stated the question was "Shall Ordinance No. 624 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Smith, Genoways, Wilson and Nelson. 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.

Council Member Smith then introduced Ordinance No. 625 entitled:

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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.

Council Member Genoways made a motion seconded by Smith to send the Ordinance and Map Revision back to the Planning Commission due to errors on the map. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion to return carried.

Mayor Oestmann then introduced Ordinance No. 626 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 TAXLOT 94 (PART OF TAXLOT 89) REDESCRIBED 1977 FROM THE NORTH  $\frac{1}{4}$  CORNER OF SECTION 11, T 17 N, R 12 E, AND ASSUMING THE WEST LINE OF THE NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  OF SECTION 11 TO BEAR DUE NORTH-SOUTH; THENCE SOUTH A DISTANCE OF 1143.48 FEET; THENCE N 89°08'23" E A DISTANCE OF 421.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°08'23" E A DISTANCE OF 90.00 FEET TO THE NORTHERLY PROJECTION OF THE WEST LINE OF 16<sup>TH</sup> STREET IN THE VILLAGE OF FORT CALHOUN; THENCE SOUTHERLY ALONG SAID NORTHERLY PROJECTION OF A DISTANCE OF 291.72 FEET; THENCE S 89°08'23" W A DISTANCE OF 90.00 FEET; THENCE NORTH 0°21'26" W A DISTANCE OF 291.72 FEET TO THE POINT OF BEGINNING, LYING IN THE W  $\frac{1}{2}$  NE  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., WASHINGTON COUNTY, NEBRASKA AND CONTAINING 0.60 ACRE, MORE OR LESS.

Member Smith made a motion seconded by Member Genoways to approve the first reading of Ordinance No. 626, as listed above. With members Nelson, Smith, Genoways and Wilson voting "Aye", motion carried. Second reading of the Ordinance will be at the regular September meeting.

Council Member Genoways offered the following resolution and moved its adoption:

A RESOLUTION APPROVING, THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2010 THROUGH 2015.

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

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WHEREAS, the City Planning Commission has reviewed the FY 2010 through 2015 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 2010 through 2015 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 2010 through 2015, attached hereto and make a part by reference, is hereby approved by the City Council of Fort Calhoun, Nebraska,

ADOPTED AND APPROVED this 17<sup>th</sup> day of AUGUST 2009

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

ATTEST:  
Linda Welsher, CMC, City Clerk

Council Member Wilson amended the motion, striking item number one on the last page of the CIP, under the title "Capital Improvements Program Projects Not Scheduled" as it is now included as Parks Projects # 308 and # 309. Member Genoways seconded the change. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion to amend the CIP document was approved.

Council Member Genoways made a motion seconded by Council Member Nelson to approve the Resolution based on the amendment. The Mayor stated the question "Shall Resolution No. 2009-10 be passed and adopted?" Upon roll call, the following voted AYE: Smith, Genoways, Wilson and Nelson. ABSENT: None. The following voted NO: None. The passage and adoption of said Resolution having been concurred in by a majority of all the members of the City Council, the Mayor declared the Resolution adopted.

Member Genoways made a motion seconded by Member Nelson to approve the Mayor signing the **RUS Bulletin 1780-27 Loan Resolution**, authorizing the incurrence of \$187,000.00 indebtedness with USDA Rural Development, for the purpose of improving the Fort Calhoun Sanitary Sewer System. With members, Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Genoways reported on his meeting with Paula Hazelwood, Executive Director, Gateway Development Corporation; Ron Woracek, PE and Brian Leaders, RLA, ASLA both with Schemmer regarding the city's Nebraska Economic Development Certified Community Program Application, to discuss possible business site locations and planning. Also discussed were the city's consideration of incentives and commitment to develop city owned property. Member Genoways will provide additional information at the regular September meeting.

Member Wilson made a motion seconded by Member Genoways to approve the replacement and upgrade of the obsolete AR4001 Sensus Handheld meter reading device and software for a cost of approximately \$6,600.00.

Following discussion, Member Genoways amended the motion to include the purchase of twelve (12) RF Read meters. The amendment was seconded by member Nelson. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

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A vote was then taken on the motion to purchase the new equipment as amended. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Departmental Reports: Maintenance Supervisor Becker was unable to attend this meeting. No Comments.

Public Comments:

Laura Shaner and Stanley Gage shared comments on the condition and care of existing and future sidewalks.

Randy Schrum commented on the condition of Pioneer Drive and the ditches being silted in along the road. Stanley Gage shared comments concerning other ditches in town needing attention.

Member Smith made a motion seconded by Member Genoways to adjourn. With all members voting "Aye", the meeting adjourned at 9:40 p.m.

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Paul L. Oestmann, Mayor

ATTEST:

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Linda Welsher, CMC, City Clerk