

City of Fort Calhoun

September 15, 2008

A special meeting of the City Council of the City of Fort Calhoun, Nebraska, was to be held in open and public session at 7:00 o'clock p.m., on September 15, 2008, in the City Council Chambers/Library at the City Hall in Fort Calhoun, Nebraska. The meeting was called to order by the Mayor, Paul Oestmann and on roll call, the following Council Members answered present: David Genoways, LeRoy Nelson and Mike Smith. Jim Shields, absent.

Notice of the meeting was given in advance thereof by publication or posting, said forms of notice being designated methods for giving notice, an affidavit of publication or a certification of posting 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.

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.

Waiting until 7:07 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 of taxpayers relating to the proposed 2008/2009 budget and to set the final tax request.

Mayor Oestmann requested the clerk to give an overview of the budget document.

Mayor Oestmann then asked if there were any persons present who wished to be heard concerning the proposed 2008/2009 budget and final property tax request.

There being no public comments, Mayor Oestmann declared the public hearing closed at 7:11 P.M.

Mayor, Paul Oestmann then called the regular meeting of the City Council of the City of Fort Calhoun, Nebraska, open and in public session at 7:30 o'clock p.m., on September 15, 2008, 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. Jim Shields, absent.

Notice of the meeting was given in advance thereof by publication or posting, said forms of notice being designated methods for giving notice, an affidavit of publication or a certification of posting 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.

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 Genoways made a motion seconded by Member Nelson to approve the August 2008 minutes as published. With members, Nelson, Smith, and Genoways voting "Aye", Shields absent, motion carried.

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

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

OPPD, 2,864.21, ult; MUD, 134.40, ult; Papio M-R NRD, 9,730.85, water and 6,666.00, capital facility chgs; Abe's Trash, 98.38, ser; Advance Auto, 213.29, sup; Barco, 291.74, sup; Batteries Plus, 71.00, sup; Blair Book, 42.66, sup; Blair Tele, 422.77, utl; Blue Cross, 1,215.40, ins; Bomgaars, 100.42, sup; Boyle Hess, 160.00, fee; Calhoun Oil, 1,528.04, fuel; Clyde's Repair, 12.00, ser; Depository Trust, 42,841.67, int; Design/Sign, 67.50, sup; Egr, James,

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876.57, ser; Enterprise, 230.50, pub; Great Plains, 17.17, fee; Loveland Lawn, 979.55, sup; Max I. Walkers, 180.00, ser; Michael Todd, 114.36, sup; Midwest Lab, 92.00, ser; NDEQ, 150.00, cert; NE Dept Rev., 1,168.92, tax; NE Dept. Rev, 25.00, fee; NE PHE Lab, 9.00, fee; PC Services, 116.00, ser; Postmaster, 158.79, sup; Schultz, 100.00, ser; Schemmers, 11,361.66, fee; Solution One, 51.24, sup; Sprint/NEXTEL, 133.91, ser; Team Visa, 459.11, ser, sup; Tri-County Grading, 2,688.00, rental & ser; Washington County Treasurer, 1,905.10, tax; Washington County Clerk, 6.00, fee; Washington County Sheriff, 5,420.88, contract; August Payroll, 21,517.15.

With members, Smith, Genoways and Nelson voting "Aye", Shields absent, motion carried.

Washington County Sheriff – A copy of the revised 2008/2010 Interlocal Agreement with Washington County for Law Enforcement was presented for review and approval at the October regular meeting.

Member Smith made a motion seconded by Member Genoways to accept the September 2008 Planning Commission minutes as presented. With Members, Nelson, Smith and Genoways voting "Aye", Shields, absent, motion carried.

Member Nelson made a motion seconded by Member Genoways to accept the September 2008 Enhancement Committee Minutes as presented. With members, Nelson, Smith and Genoways voting "Aye", Shields absent, motion carried.

Following discussion concerning the planting of proposed trees, Member Smith made a motion seconded by Member Nelson to accept the September 2008 Park Board minutes as presented. With members, Smith, Genoways and Nelson voting "Aye", Shields absent, motion carried.

Item A - Member Smith made a motion seconded by Member Nelson to approve the Park Board's recommendation to name the designated park area in Southern Heights, "View Point Park", With members, Genoways, Nelson and Smith voting "Aye", Shields absent, motion carried.

Item B - Member Nelson made a motion seconded by Member Genoways to approve the bid from Bill Soll, \$4,194.50, to construct the ADA compliant 10' x approximately 152' concrete walkway from 16th Street into View Point Park. With members, Nelson, Smith, and Genoways voting "Aye", Shields absent, motion carried.

The developers withdrew the public hearing requests, as well as the other agenda items concerning the proposed zoning change and final plat of the Clearwater Creek III development.

At 7:33 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 concerning the application for the Special Use Permit from Duane Sprick to erect a 48' x 72' Morton Building for convenience storage on the south 100' of Lots 7 & 8 in Block 20 (14th and Adams Streets.)

Following discussion including comments from David Genoways and Darin Wilson, Mayor Oestmann declared the public hearing closed at 7:36 P.M.

Member Smith made a motion seconded b Member Genoways to approve the Special Use Permit request from Duane Sprick to erect a 48' x 72' Morton Building for convenience storage on his property located in the Urban Corridor Zoning District (14th and Adams Streets.) With members, Nelson, Smith and Genoways voting "Aye", Shields absent, motion carried.

Unfinished Business:

City Engineer Ron Woracek, TSA was out of town, therefore Member Genoways gave an overview of the status of the Wastewater Conveyance Project, stating the Preconstruction Conference is scheduled for 2:00 P.M., Tuesday, September 23, 2008 at The Schemmer Associates, Inc., 1044 North 115th Street in Omaha. The construction project could start as early as October 6. Member Genoways also reported on the tele-conference with USDA concerning the possibility of applying for additional funds this next fiscal year; and that USDA was comfortable at this point to adjust budgeting allocations not used to date for construction purposes.

City Attorney Jim Egr reported on the status of various legal matters.

Ordinances and Resolutions:

Member Genoways introduced the following RESOLUTION NO. 2008-04 and moved for its passage and adoption. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Smith, Genoways, and Nelson. The following voted "Nay": NONE. Shields absent, motion carried.

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

RESOLUTION NO. 2008-04

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Fort Calhoun, Nebraska passes by majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Nebraska that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Mayor and City Council of the City of Fort Calhoun, Nebraska, by majority vote, resolves that:

1. The 2008-2009 personal and Real Property Tax request be set at \$136,465.00 for Principal and Interest on Bonds and \$283,299.75 for All Other Purposes, for a total of \$419,764.75.
2. A copy of this resolution be certified and forwarded to the Washington County Clerk on or before October 13, 2008.

PASSED AND APPROVED this 15th day of September 2008

CITY OF FORT CALHOUN NEBRASKA
Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, City Clerk/Treasurer

Mayor Oestmann introduced the following Ordinance entitled:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Said Ordinance was designated as ORDINANCE NO. 607 and the title thereof were approved.

Member Smith moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Genoways seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Nelson, Smith and Genoways. The following voted "Nay": NONE. Shields absent. The motion to suspend the rules was adopted by the required three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said ORDINANCE NO. 607 were then read by title and thereafter Member Nelson moved for final passage of the ordinance, which motion was seconded by Member Genoways. On roll call, the following voted "Aye": Nelson, Smith and Genoways. The following voted "Nay": NONE. Shields absent. The motion having been adopted by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared passed and adopted, and in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true and complete copy of ORDINANCE NO. 607 is on file at city hall and can be reviewed during normal business hours.

Member Genoways introduced the following RESOLUTION NO. 2008-05 and moved for its passage and adoption. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Smith, Genoways, and Nelson. The following voted "Nay": NONE. Shields absent, motion carried.

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

RESOLUTION NO. 2008-05 RESOLUTION CALLING BOND ANTICIPATION NOTES, SERIES 2006B, FOR REDEMPTION

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

Section 1. That the following bond anticipation notes are hereby called for redemption at par plus accrued interest on October 17, 2008 after which date said notes shall cease to bear interest:

Bond Anticipation Notes, Series 2006B, Dated September 15, 2006, in the principal amount of \$695,000, becoming due November 15, 2008, issued by the City for the purpose of providing interim financing for the costs of constructing improvements in Street Improvement District No. 2006-2, Sanitary Sewer District No. 2006-2, and Water Extension District No. 2006-1, pending the issuance of permanent various purpose bonds..

Section 2. Said bond anticipation notes are payable at the office of the City Treasurer as Paying Agent and Registrar.

Section 3. A copy of this resolution shall be filed at least 30 days prior to the date of call with the Treasurer of the City of Fort Calhoun, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bond anticipation notes.

PASSED AND APPROVED this 15th day of September 2008.

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, City Clerk

Member Genoways introduced the following Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2008B, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF SEVEN HUNDRED FORTY THOUSAND DOLLARS (\$740,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-2, IN SANITARY SEWER EXTENSION DISTRICT NO. 2006-2, AND IN WATER EXTENSION DISTRICT NO. 2006-2, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

Said Ordinance was designated as ORDINANCE NO. 608 and the title thereof was approved.

Member Genoways moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Nelson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Genoways, Nelson and Smith. The following voted "Nay": NONE. Shields absent. The motion to suspend the rules was adopted by the required three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said ORDINANCE NO. 608 was then read by title and thereafter Member Genoways moved for final passage of the ordinance, which motion was seconded by Member Smith. On roll call, the following voted "Aye": Nelson, Smith and Genoways. The following voted "Nay": NONE. Shields absent. The motion having been concurred in by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared passed and adopted, and in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true and complete copy of ORDINANCE NO. 608 is on file at city hall and can be reviewed during normal business hours.

Member Smith introduced the following Ordinance entitled:

AN ORDINANCE TO AMEND SUBSECTION (D) OF SECTION 1 OF ORDINANCE NO. 584 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA BY REVISION OF THE WATER RATE SCHEDULE APPLICABLE TO ALL USERS OF THE CITY WATER SYSTEM; TO REPEAL ORIGINAL SECTION 1 OF ORDINANCE NO. 543 AND SECTION 1 OF ORDINANCE NO. 584 AND ALL OTHER CONFLICTING PROVISIONS OF SAID ORDINANCES OR OTHER ORDINANCES OR PARTS THEREOF; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Said Ordinance was designated as ORDINANCE NO. 609 and the title thereof was approved.

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Member Smith moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Genoways seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Smith, Genoways and Nelson. The following voted "Nay": NONE. Shields absent. The motion to suspend the rules was adopted by the required three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said ORDINANCE NO. 609 was then read by title and thereafter Member Smith moved for final passage of the ordinance, which motion was seconded by Member Genoways. On roll call, the following voted "Aye": Nelson, Smith and Genoways. The following voted "Nay": NONE. Shields absent. The motion having been adopted by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared passed and adopted, and in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true and complete copy of ORDINANCE NO. 609 is on file at city hall and can be reviewed during normal business hours.

Member Nelson introduced the following Ordinance entitled:

AN ORDINANCE TO AMEND SUBSECTION (E) OF ORDINANCE NO. 578 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA BY REVISION OF THE SEWER USE FEE OR RENTAL CHARGE APPLICABLE TO ALL USERS OF THE CITY SEWER SYSTEM; TO REPEAL ORIGINAL SECTION 2 OF ORDINANCE NO. 543 AND SECTION 1 OF ORDINANCE NO. 578 AND ALL OTHER CONFLICTING PROVISIONS OF SAID ORDINANCE OR OTHER ORDINANCES OR PARTS THEREOF; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Said Ordinance was designated as ORDINANCE NO. 610 and the title thereof was approved.

Member Nelson moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Genoways seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Nelson, Smith and Genoways. The following voted "Nay": NONE. Shields absent. The motion to suspend the rules was adopted by the required three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said ORDINANCE NO. 610 was then read by title and thereafter Member Smith moved for final passage of the ordinance, which motion was seconded by Member Genoways. On roll call, the following voted "Aye": Genoways, Nelson and Smith. The following voted "Nay": NONE. Shields absent. The motion having been adopted by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared passed and adopted, and in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true and complete copy of ORDINANCE NO. 610 is on file at city hall and can be reviewed during normal business hours.

Member Genoways introduced the following Ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO AMEND SECTIONS 5-301, 5-303, AND 5-305 OF THE CITY CODE OF FORT CALHOUN, NEBRASKA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Said Ordinance was designated as ORDINANCE NO. 611 and the title thereof was approved.

Member Genoways moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. 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 and Genoways. The following voted "Nay": NONE. Shields absent. The motion to suspend the rules was adopted by the required three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said ORDINANCE NO. 611 was then read by title and thereafter Member Smith moved for final passage of the ordinance, which motion was seconded by Member Nelson. On roll call, the following voted "Aye": Smith, Genoways and Nelson. The following voted "Nay": NONE. Shields absent. The motion having been adopted by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared

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passed and adopted, and in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true and complete copy of ORDINANCE NO. 611 is on file at city hall and can be reviewed during normal business hours.

New Business:

Member Genoways made a motion seconded by Member Nelson to approve the renewal Lottery Agreement with Fort Calhoun Lottery, Inc., for an additional five years as presented. With members Genoways, Nelson and Smith voting "Aye", Shields absent, motion carried.

Member Nelson made a motion seconded by Member Genoways to approve the replacement of the 1988 F350, black public works truck with the purchase a 2008 F250 truck from Woodhouse Ford for \$24,018.00 per the 9/05/08 sales quote; to be financed for two or three years and authorizing the Mayor to sign pertaining documents. With members, Nelson, Smith and Genoways voting "Aye", Shields absent, motion carried.

There was discussion about a future location for residents to discard branches and brush, locations will be discussed and determined following the completion of the wastewater project (Spring 09.)

Public Comments:

Stan Gage - questions concerning the property adjacent to the wastewater treatment plant.

Member Nelson raised discussion concerning August 18th comments and complaints from Reed Smith. Planning Commission Member Wilson said he will investigate and research existing codes with the Land Use Committee.

Maintenance Supervisor Steve Becker reported the sidewalk inspections are scheduled to be done before the next council meeting. Member Genoways had sidewalk maps distributed for use as a future planning tool.

A special City Council meeting will be scheduled at 7:00 P.M. Tuesday, October 7 for review and approval of contract bids for the Pioneer Park Walking Trail project. Following council approval, the recommendation will be forwarded to the Nebraska Game and Parks Commission for concurrence.

Member Smith made a motion seconded by Member Genoways to go into closed session to discuss pending legal matters. With members, Smith, Genoways and Nelson voting "Aye", Shields absent, motion carried.

After the vote of the council, 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 8:30P.M.

The council returned to open session at 8:40 P.M.

By consensus, the city attorney was directed to pursue all options to recover costs for the repair of Betts Circle

Motion was made and seconded to adjourn. With all members voting "Aye", the meeting was declared adjourned at 8:44 P.M.

Paul L. Oestmann, Mayor

Attest:

Linda Welsher, CMC, City Clerk