

City of Fort Calhoun

September 20, 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 September 20, 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, Darin Wilson and LeRoy Nelson. Mike Smith arrived at 7:33 p.m.

Notice of the meeting was given in advance thereof by newspaper publication, the City's designated method for giving notice, on September 14, 2010, evidence of such notice being attached to these minutes.

Notice of the meeting was given to the Mayor and all members of the City Council and a copy of their acknowledgment of receipt of notice and agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and City Council of this meeting. 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 Nelson made a motion seconded by Member Genoways to approve the August 16 and September 14, 2010 minutes with typing corrections on pages 2 and 5. With members Wilson, Nelson 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 Nelson, Genoways and Wilson voting "Aye", motion carried.

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

OPPD, 3,317.27, ult; MUD, 128.08, ult; Papio M-R NRD, 5,245.85, water; Abe's Trash, 99.09, ser; AALL About Trees, 5,000, ser; Am. Broadband, 428.15, utl; Arp's, 1,685.00, concrete; Badger Body, 4,788.00, eqp; Blue Cross, 1,901.94, hlth ins; Bomgaars, 206.02, sup; Calhoun Oil, 972.22, fuel; City of Blair, 2,977.94, ser; Country Tire, 105.42, sup; Depository Trust, 12,952.50, int; Egr, James, 637.50, ser; Enfield's, 760.00, ser; Enterprise, 598.80, pub; FCCS, 1,490.61, bldg; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 30.57, fee; Great Southern Bank Visa, 584.67, sup & postage; Great Southern Bank Loan, 5,850.23, equip; Home Depot, 59.38, sup; J. McNamara, 143.00, ser; Loveland, 402.95, sup; Maid/USA, 120.00, ser; Max I. Walkers, 183.30, ser; NDEQ, 150.00, cert; NDHHS-PE, 10.00, test; NE Dept Rev., 2,159.80, sales tax & 25.00, fee; PC Services, 116.00, ser; Postmaster, 108.36, sup; Quill, 122.86, sup; Reyzlik HW, 10.50, sup; R. Gloden, 5,350.00, ser; Shotwell Glass, 351.00, bldg; Solution One, 65.46, ser; Sprint/NEXTEL, 136.52, ser; Washington Co. Plng, 38.00, ser; Washington Co. Reg. Deeds, 41.00, fee; Washington County Sheriff, 5,534.27, contract; August Payroll, 15,835.94. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Washington County Sheriff Report – Sheriff Robinson presented Arlington's recently passed dog ordinance for review. Committee should have something prepared for the October meeting.

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Member Genoways made a motion seconded by Member Smith to accept the September 7, 2010 Planning Commission minutes as presented. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Nelson made a motion seconded by Member Smith to allow the extension to November 15, for the clean-up of the Sheppard property near the Fort Calhoun Trail. With Members Wilson, Nelson, Smith and Genoways voting "Aye", motion approved.

Member Smith made a motion seconded by Member Genoways to accept the September 2, 2010 Park Board meeting minutes as presented. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

The concerns of the Park Board were discussed and Member Smith relayed the Boards request for the Mayor to attend the October 7 meeting. No action taken on items of concern at this time.

There was no new information on agenda items #8 and #9 this month.

City Engineer Woracek reported on the status of the water main extension and the demolition work at the Wastewater Pump Station location. Pay applications and change order should be ready for review and approval at the October meeting.

City Attorney Egr reported on the pending legal matters: an October Court date is pending on the Motion for Summary Judgment on the first Welchert/Knight case. There has been no response from the R.F. Broadband attorney to date on a proposed settlement offer by the city.

Member Genoways made a motion seconded by Member Nelson to approve a pay increase to \$100.00/hour for city attorney services beginning October 1, 2010. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Paula Hazelwood gave an Economic Development report including happenings in Washington County with the Gateway Development Corporation and an overview of the status of the city's Certified Community Application. The application will soon be packaged and sent to the city for review prior to submission to the Nebraska Department of Economic Development. Paula also requested the city consider an increase in their annual partnership investment commitment to Gateway.

Member Smith made a motion seconded by Member Wilson to increase the city's investment level to the Associates Level of \$2,750.00 for 2011. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Member Genoways introduced the following RESOLUTION NO. 2010-08 and moved for its passage and adoption. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Wilson, Nelson, Smith and Genoways, motion carried.

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

RESOLUTION NO. 2010 - 08

WHEREAS, the City of Fort Calhoun, Nebraska desires to promote Economic Development for the City and is processing a Certified Community Application for the same; and,

WHEREAS, the City has a "working" relationship with GATEWAY DEVELOPMENT CORPORATION, who is involved in community economic development; and,

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WHEREAS, the City did approve on June 1, 2010 at a Special City Council Meeting the expense of the Phase One Environmental Study as part of its economic development pursued for the City; and,

WHEREAS, the City owns 77.5 acres, more or less of land, available and suggested to be used for economic development; and,

WHEREAS, GATEWAY DEVELOPMENT CORPORATION desires a Right Of First Refusal To Purchase Real Estate for the 77.5 acres, more or less, the City has available for economic development;

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

1. The Mayor of the City of Fort Calhoun, Nebraska is hereby authorized to execute a Right Of First Refusal To Purchase Real Estate as per Exhibit "I" attached hereto and incorporated herein by reference as if fully set forth.
2. The Mayor with the approval of the City Council will fill in the necessary blanks in Exhibit "I" to effectuate the final terms and conditions of said Right Of First Refusal To Purchase Real Estate should a Purchaser be obtained for the above referenced 77.5 acres, more or less.
3. The Purchase Price of the said tract would be considered at a nominal value should a Purchaser be obtained who will put significant improvements on the real estate and offer, provide, and carry out hiring for new jobs in the area of the City.
4. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED SEPTEMBER 20, 2010

CITY OF FORT CALHOUN, NEBRASKA

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Member Genoways introduced the second reading of the following Ordinance No. 651 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

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164; THENCE NORTH 89°10'53" EAST FOR 890.78 FEET ALONG THE NORTH LINE OF SAID TAXLOT 164; THENCE SOUTH 00°00'00WEST 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 Tim Oelke and discussion, Member Smith made a motion to amend the Ordinance, removing Tax Lots 125, 132 and 164. Motion failed due to the lack of a second.

Mayor Oestmann then stated the question "Shall the seconded reading of Ordinance No. 651 be passed and approved?" Upon roll call vote, the following Members voted "Aye": Genoways, Wilson and Nelson. The following voted "Nay": Smith. The motion to approve the second reading was adopted by three-fourths of the City Council. The third reading of the Ordinance No. 651 will be at the regularly scheduled meeting on October 18, 2010.

There was no information on agenda item #15 for this meeting.

Luis Hernandez made a request for the council to consider an amendment of the city's fireworks regulations allowing sales in December in line with the state regulations; following discussion, Member Genoways agreed to work on possible changes for consideration at the regularly scheduled meeting on October 18, 2010.

Member Smith made a motion seconded by Member Nelson to enter into a \$2,500.00 lease re-purchase agreement with Nebraska Machinery Company for a CAT 262C Skid Steer Loader for one year. Following discussion, members Genoways, Wilson, Nelson and Smith voted "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the use of Keno Funds to purchase the following equipment: Sullivan D185P Air Compressor, \$12,980; Virnig 84" Light Material/Snow Bucket, \$1,989.00; Bolt on teeth for 72" Bucket, \$555.00; Backhoe Attachment BH150 (CAT), \$11,560.00 and a Snow Blower SR121 73" (CAT), \$7,579.00, for a total of \$21,683.00. With members Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to approve the use of general operating funds to purchase the following: Plan-It Software form Strategic Insights, Inc., \$499.50; Microsoft Access up-grade for approximately \$100.00; an additional Express Laminate Lateral File estimated at \$400.00 and a lap top computer for use at City Council, Planning Commission, Park Board and Enhancement Committee meetings, price to be determined. Member Wilson amended the motion to allow up to \$750.00 for a lap top computer. Member Genoways seconded the amendment. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion for the amendment carried. Mayor Oestmann asked for a vote on the original motion to approve all of the requests. With members Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the use of Keno Funds to purchase the following equipment: Konica Minolta **bizhub** C360, color copier, fax, printer and scanner, \$6,795.00; add on Unity Desktop Professional Software, \$895.00; and JSG Technologies Liberty Meeting Recorder Solution Software, \$5,065.00, for a total of \$12,755.00. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

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Member Wilson made a motion seconded by Member Genoways to approve the Three Year Auditing Proposal from Shaw, Hull and Navarrette, CPA's for \$5,400.00 for the initial year and annual increases of 2.5%, for a total fee of \$16,610 for 2010, 2011 and 2012. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Mayor Oestmann requested the Employee Evaluations and discussion/direction on 2010/2011 Employee Pay Rates be tabled to the regularly scheduled meeting on October 18, 2010; there being no opposition, the matter was tabled.

Public Comments: None

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

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk