

City of Fort Calhoun

November 15, 2010

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:32 o'clock p.m., on November 15, 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, LeRoy Nelson, and Mike Smith.

Notice of the meeting was given in advance thereof by newspaper publication, the City's designated method for giving notice, on November 10, 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 Joy Ruma recorded the proceedings in the clerk's absence.

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 October 18, 2010 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 Nelson, Smith, Genoways, and Wilson voting "Aye", motion carried.

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

OPPD, 2,982.92, ult, ser; MUD, 141.61, ult; Papio M-R NRD, 5,230.85, water, Abe's Trash, 76.20, ser; Am. Broadband, 519.08, utl; Barone Security, 468.56, ser; Andy's Mow Town, 4.32, sup; Bi-State Motor, 224.90, sup; Blue Cross, 1,901.94, hlth ins; Bomgaars, 452.52, sup; Boyle, Hess, 180.00, ser; Calhoun Oil, 1,049.09, fuel; City of Blair, 3,898.45, ser; Data Tech 51.89, sup; Egr, James, 850.00, ser; Enterprise, 363.96, pub; Ford Credit, 799.73, equip; Great Plains Communications, 14.95, ser; Great Plains One-Call, 33.69, fee; GSB Visa, 545.12, sup; HD Waterworks, 3,114.36, meters; Home Depot, 620.89, sup; Liberty Mutual, 800.00, surety bond; Loveland, 156.95, sup; Maid/USA, 120.00, ser; Max I. Walkers, 146.64, ser; NMC, 21,683.00, equip; NPHEL, 212.00, tests; Ne Dept/Rev, 2,494.10, sales tax; PC Services, 116.00, ser; Postmaster, 185.44, sup; Quill, 190.15, sup; Reyzlik Ace HW, 43.43, sup; Solution One, 81.10, ser; Sprint/NEXTEL, -, ser; Schemmer, 1,943.29, ser; Washington County Sheriff, 5,534.27, contract; Washington County HVAC, 247.00, ser; J. Boyd, 96.05, sup; October Payroll, 14,583.85. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Washington County Sheriff Report – No one from the office was present.

Member Genoways stated there were no amendments proposed for the city's dog regulations prepared at this time and that he could possibly have something drafted for consideration at the regularly scheduled meeting on December 20, 2010.

Member Smith made a motion seconded by Member Genoways to accept the November 1, 2010 Planning Commission minutes as presented. With members Genoways, Wilson, Nelson, and Smith voting "Aye", motion carried.

Comprehensive Local Fee Schedule: Joy Ruma introduced the proposed 2010 Comprehensive Local Fee Schedule to the council. Following discussion with the Council and City Engineer, it was decided that this document should contain a list of all fees; including ball field fees, etc, and Ron Woracek will provide information on how to list engineer fees.

The November 11, 2010 Park Board Minutes were not available for acceptance at this meeting. Kelly Shaner provided information from that meeting, and asked the Council for approval of Keno funds to purchase new playground equipment for the T-Ball field, in order to get the sale price before the November 30, 2010 deadline. Member Genoways made a motion seconded by Member Wilson to approve the purchase of the Tot's Choice playground equipment Item No. 718-S066J, with \$8,843.00 of Keno Funds. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried. The November 11, 2010 Park Board meeting minutes will be presented at the December 20, 2010 meeting.

Member Genoways made a motion seconded by Member Smith to accept the November 1, 2010 Enhancement Committee minutes as presented. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

There was no new information available on agenda items #8 or #9 for this meeting.

City Engineer Woracek distributed a draft copy of the 2011-2017 "One & Six Street Improvement Program" for review prior to the January public hearing and February approval.

City Attorney Egr reported on pending legal matters: the Plaintiffs of the Welchert/Knight case filed the reply brief last week with Judge Samuelson.

Member Genoways reported that Paula Hazelwood of Gateway stated everything for the NDED Certified Community Application should be completed and out by the end of this month.

Member Genoways introduced the third reading and final passage 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 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.

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 third reading and final passage of Ordinance No. 651 be approved?" Upon roll call vote, the following Members voted AYE: Genoways, Wilson and Nelson. Absent: None. The following voted NO: Smith. 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 introduced the following RESOLUTION NO. 2010-10 and moved for its passage and adoption. Motion seconded by Member Wilson. On roll call, the following voted "Aye": Wilson, Nelson, Smith and Genoways. Motion carried.

RESOLUTION NO. 2010 – 10

TO PROVIDE FOR THE SALE OF SURPLUS PERSONAL PROPERTY BELONGING TO THE CITY AND FOR FINDINGS THAT THE FAIR MARKET VALUE OF SAID PROPERTY IS LESS THAN FIVE THOUSAND DOLLARS AND THAT ITS SALE IS NECESSARY, EXPEDIENT AND IN THE BEST INTEREST OF THE CITY; TO PROVIDE THE SALE SHALL BE CONDUCTED BY SEALED BIDS, THE CITY RETAINING THE RIGHT TO REJECT ANY AND ALL OF THEM; AND TO FURTHER PROVIDE FOR THE POSTING AND OPTIONAL PUBLICATION OF A NOTICE OF SALE

WHEREAS, the City of Fort Calhoun, Washington County, Nebraska, a Municipal Corporation, is the owner of a certain item of personal property which are specifically described upon the attached Exhibit "A", and by this reference made a part hereof, and

WHEREAS, it has been found and determined that the above-described item of personal property are being used in the operation of the City, nor will they be; that the same constitutes "surplus"; and that their sale is in the best interest of the City, and

WHEREAS, it is further found that the fair market value of said surplus property, collectively, and as to each individual item, is not greater than five thousand dollars, and

WHEREAS, the Mayor and City Council have further found and determined that the sale of the item of the above-described personal property, should be made "as-is", without warranties; further, by sealed bid directed to the Municipal Clerk; the City reserving the right to reject any and all bids, and

WHEREAS, in compliance with the requirements of subsection 4 of Section. 5-105 of the Fort Calhoun Municipal Code, as amended, and of Neb. Rev. Stats., Section 17-503.02, as amended, it is determined to be necessary to post a Notice of Sale, and at the discretion of the Municipal Clerk, to advertise for bids;

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

Section 1. That the above-described personal property owned by this City, listed on the attached Exhibit "A" shall be sold in an "as-is" condition, without warranties; by sealed bid, the City reserving the right to reject any or all of such bids.

Section 2. That Notice of this Sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property, and shall describe the property and state the terms and conditions of sale; and that at the discretion of the Municipal Clerk, a Notice of Sale may also be published in a newspaper of general circulation within the county.

Section 3. Following passage of this Resolution directing the sale of the above-described personal property, the posting of the above-described Notice of Sale, and elective publication of Notice of Sale, the property shall then be sold to the highest bidder(s) for cash; subject to the right of rejection retained by the City.

Section 4. As may reasonably be required to convey the interest of the City in said personal property to the purchaser, the Mayor and Municipal Clerk are hereby authorized and empowered to execute and deliver to the successful purchaser(s) whatever evidence of assignment of title and ownership as may be reasonably required.

DATED this 15th day of NOVEMBER 2010

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

ATTEST:

Linda Welsher, CMC, City Clerk

Member Genoways introduced Ordinance No. 656 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO AMEND ARTICLE III FIREWORKS; REGULATING THE POSSESSION, STORAGE, DISTRIBUTION, SALE, USE OR DISCHARGE OF ANY FIREWORKS WITHIN THE CITY OF FORT CALHOUN, NEBRASKA; CHANGING DATES OF SALE; APPLICATION PROCESS; DURATION OF LICENSE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO ESTABLISH WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

and moved that the statutory rule requiring reading on three different days be suspended. Member Wilson seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Smith, Genoways, and Wilson. ABSENT: None. The following voted No: Nelson, motion carried.

Member Smith made a motion seconded by Member Genoways for final adoption of Ordinance No. 656. Upon roll call vote on the motion the following Council Members voted AYE: Smith, Genoways and Wilson. ABSENT: None. The following voted NO: Nelson. 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.

There was no new information available on agenda item #16 for this meeting.

Member Wilson made a motion seconded by Member Genoways to approve the maintenance agreement with Cummins Central Power, LLC, for the ONAN generator at the wastewater pumping station. With members Wilson, Nelson, Smith, and Genoways voting "Aye", motion carried.

Member Wilson made a motion seconded by Member Genoways to approve the request to order 24 new meters and 12 radio-read heads to continue the meter replacement process. With members Nelson, Smith, Genoways, and Wilson voting "Aye", motion carried.

Following discussion concerning the change from part-time to full time status for Joy Ruma, the council decided more information and discussion was needed before making a decision.

Member Genoways made a motion seconded by Member Smith to approve the clerk's attendance at the 2011 Nebraska Municipal Clerk's Academy, March 16–18, 2011 in Kearney. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Public Comments:

Stan Gage asked why there wasn't any information in the paper about open burning dates, why it was such a short time and are we going to extend the dates? City Attorney, Jim Egr explained that Nebraska has a statewide open burning ban, which is covered in the State Statutes, and that it is up to the Fire Chief to decide when and how long open burning is available.

Member Genoways made a motion seconded by Member Smith to go into closed session to discuss contingency emergency strategies, and strategize utility matters. With members Genoways, Wilson and Nelson, and Smith 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 contingency emergency strategies and strategize utility matters. Mayor Oestmann declared the meeting in closed session at 9:00 p.m.

The Council returned to open session at 9:10 p.m. and directed staff to place an ad for the available maintenance position.

Member Nelson made a motion seconded by Smith to adjourn. With all members in attendance voting "Aye", the meeting adjourned at 9:13p.m.

Paul L. Oestmann, Mayor

Joy Ruma, Zoning Administrator

ATTEST:

Linda Welsher, CMC, City Clerk