

# City of Fort Calhoun

November 17, 2008

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 November 17, 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, Jim Shields, LeRoy Nelson and Mike Smith.

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

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

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

OPPD, 2,498.57, ult; MUD, 147.22, ult; Papio M-R NRD, 4,866.35, water; Abe's Trash, 36.26, ser; Advance Auto, 208.36, sup; Barco, 211.78, sup; Baird Holm, 850.00, fee; Bi-State Motors, 67.25, sup; Blair Tele, 375.28, utl; Blue Cross, 1,215.40, ins; Bomgaars, 482.60, sup; Calhoun Oil, 787.96, fuel; Data Tech, 3,172.47, license & fee; Egr, James, 510.00, ser; Enterprise, 298.05, pub; Ford Credit, 1,035.60, eqp; Great Plains, 23.05, fee; Judt Elec, 85.75, ser; Max I. Walkers, 144.00, ser; Midwest Lab, 55.00, ser; Municipal Code, 900.00, fee; NE Dept Rev., 1,404.17, tax; NE PHE Lab, 9.00, fee; New Frontier, 144.00, ins; Office Max, 16.64, sup; PC Services, 358.00, ser; Postmaster, 171.20, sup; Safeco, 200.00, ins; Schultz, 100.00, ser; Schemmers, 14,257.94, fee; Smithers, 150.00, rental; Solution One, 60.10, sup; Sprint/NEXTEL, 133.17, ser; Team Visa, 628.40, ser, sup, bdg; Tri-County Grading, 300.00, rental; UECO, 25.96, sup; Washington County Sheriff, 5,338.51, contract; Washington Co. Bank, 8,980.79, eqp; Woodhouse, 134.94, sup; October Payroll, 13,996.79.

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

Washington County Sheriff – no discussion

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

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At 7:35 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 relating to the proposed recommendations made by the Planning Commission on the following items:

AN ORDINANCE AMENDING ARTICLE 4 "ZONING DISTRICT REGULATIONS", TABLE 4-2 "PERMITTED USES BY ZONING DISTRICT" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE REGULATIONS RELATED TO ACCESSORY BUILDINGS, and

AN ORDINANCE AMENDING ARTICLE 2 "DEFINITIONS", SECTION 215 "SETBACK ADJUSTMENTS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE THE LANGUAGE OF THE REGULATIONS.

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

Mayor Oestmann then asked if there were any persons present who wished to be heard concerning the proposed ordinances regarding proposed changes to the City's Zoning Regulations, Accessory Buildings in Article 4, Table 4-2 and Definitions in Article 2.

Following discussion, Mayor Oestmann declared the public hearing closed at 7:40 P.M.

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

Member Nelson made a motion seconded by Member Genoways to approve the recommendation for appointment of Judy Boyd and Lana Schafer to the Enhancement Committee (three year terms.) With members Smith, Genoways, Shields and Nelson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Shields to approve the Enhancement Committees request to decorate the front of City Hall with Christmas lights and wreaths on December 1, 2008. With members, Genoways, Shields, Nelson and Smith voting "Aye", motion carried.

Unfinished Business:

City Engineer Ron Woracek, TSA, gave status reports on the following: the Wastewater Conveyance Project; the pending request to the NRD of the 25% rebate of Capital Facility Charges paid in the past five years for improvements made to the water system with the installation of the Pioneer Drive Booster Pump Station; the pending request to the NDEQ for permission to complete SID 2006B and the Pioneer Park Trail.

Member Genoways made a motion seconded by Member Smith to authorize the city engineer to contact the 2006B Contractor to resume and complete the work on the project as soon as approval is received from the NDEQ regarding the city's November 12, 2008 request to do so. With members, Shields, Nelson, Smith and Genoways voting "Aye", motion carried.

Maintenance Supervisor, Steve Becker reported on the manhole and sewer line repairs completed at 9<sup>th</sup> and Court Streets and the effect on the flow at the WWTF, the dye tests currently being conducted on various sewer lines, stating he plans to have one or two areas televised in the next 30 to 60 days. The sidewalk report was postponed do to the sewer line repairs.

City Attorney Jim Egr requested the report on the status of two pending legal matters be

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deferred and discussed in Closed Session at the end of the meeting.

Member Nelson made a motion seconded by Member Genoways to approve the recommendation by the Park Board in their October 2008 Minutes to purchase an additional four picnic tables for West Market Square Park. Following discussion, members Nelson, Smith, Genoways and Shields voted "Aye", motion carried.

Mayor Oestmann introduced the following Ordinance entitled:

AN ORDINANCE AMENDING ARTICLE 4 "ZONING DISTRICT REGULATIONS", TABLE 4-2 "PERMITTED USES BY ZONING DISTRICT" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE REGULATIONS RELATED TO ACCESSORY BUILDINGS.

Said Ordinance was designated as ORDINANCE NO. 612 and the title thereof were approved.

Member Genoways 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": Genoways, Shields, Nelson and Smith. The following voted "Nay": NONE. 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. 612 was then read by title and thereafter Member Nelson moved for final passage of the ordinance, which motion was seconded by Member Smith. On roll call, the following voted "Aye": Shields, Nelson, Smith and Genoways. The following voted "Nay": NONE. 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. 612 is on file at city hall and can be reviewed during normal business hours.

Mayor Oestmann introduced the following Ordinance entitled:

AN ORDINANCE AMENDING ARTICLE 2 "DEFINITIONS", SECTION 215 "SETBACK ADJUSTMENTS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE THE LANGUAGE OF THE REGULATIONS.

Said Ordinance was designated as ORDINANCE NO. 614 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 Nelson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Smith, Genoways, Shields and Nelson. The following voted "Nay": NONE. 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. 614 was then read by title and thereafter Member Genoways moved for final passage of the ordinance, which motion was seconded by Member

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Nelson. On roll call, the following voted "Aye": Genoways, Shields, Nelson and Smith. The following voted "Nay": NONE. 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. 614 is on file at city hall and can be reviewed during normal business hours.

Member Genoways introduced the following RESOLUTION NO. 2008-07 and moved for its passage and adoption. Motion seconded by Member Shields. On roll call, the following voted "Aye": Shields, Nelson, Smith and Genoways. The following voted "Nay", NONE. Motion carried.

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

### RESOLUTION 2008 - 07

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA.

WHEREAS, the City of Fort Calhoun, Nebraska, proposed to apply for assistance from the SAFE ROUTES TO SCHOOL PROGRAM for the purpose of constructing and improving sidewalks along the major pathways that our students take to school, and

WHEREAS, the City of Fort Calhoun, Nebraska has available the funds to finance the activity until reimbursed by the Safe Routes to School Program, and the financial capability to operate, maintain, and manage the completed project in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the Mayor and City Council of the City of Fort Calhoun, Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN that the CITY OF FORT CALHOUN applies for assistance from the Safe Routes to School Program for the purpose of constructing and improving sidewalks along the major pathways that our students take to school.

PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF NOVEMBER 2008

Paul L. Oestmann, Mayor

Linda Welsher, CMC, City Clerk

New Business:

Member Genoways made a motion seconded by Member Nelson to approve Pay Application No. 1 from Rutjens Construction, \$333,250.87 for work completed on the Wastewater Conveyance Project, forwarding the request to the USDA for the required status/inspection meeting and their approval for payment to the contractor by the city. With members, Nelson, Smith, Genoways and Shields voting "Aye", motion carried.

Ron and Gloria Penas, John and Peggy Linton and Dave Smith were present to discuss their concerns about fluctuating water pressure on South 16<sup>th</sup> Street. Member Shields

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suggested the use of a gauge to monitor the water hydrants on that line this spring recording water pressures for a 30-day period. The recommendation to wait until spring was accepted by the residents because the gauges are mounted outside and would freeze at this time of year.

Public Comments: None

Member Genoways made a motion seconded by Member Shields to go into closed session to discuss pending legal matters. With members, Smith, Genoways, Shields and Nelson voting "Aye", 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 8:25 P.M.

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

Motion was made by Member Shields and seconded by Member Genoways to adjourn. With all members voting "Aye", the meeting was declared adjourned at 8:41 P.M.

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Paul L. Oestmann, Mayor

Attest:

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Linda Welsher, CMC, City Clerk