

## City of Fort Calhoun

December 15, 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 December 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, 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 Nelson to approve the November 2008 minutes as published. With members, Shields, Nelson, Smith and Genoways voting "Aye", motion carried.

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

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

OPPD, 2,683.42, ult; MUD, 347.49, ult; Papio M-R NRD, 4,602.35, water; Abe's Trash, 36.26, ser; Advance Auto, 52.59, sup; Blair Glass, 14.13, sup; Blair Tele, 379.11, utl; Blue Cross, 1,215.40, ins; BHE, 160.00, sup; Calhoun Oil, 758.16, fuel; Calhoun Repair, 353.08, ser; Carquest, 26.04, sup; Cornhusker Press, 54.77, sup; Corrpro, 377.50, fee, DPC, 126.00, sup; Depository Trust, 108,670.00, bond, prin & int; Egr, James, 637.50, ser; Enterprise, 253.20, pub; Gerhold, 199.00, con; Great Plains, 29.11, fee; HD Waterworks, 651.99, sup; Hose & Handling, 164.26, sup; Luxa, 670.80, sup; Max I. Walkers, 180.00, ser; NE Dept Rev., 1,198.36, tax; NE PHE Lab, 9.00, fee; NE State Arboretum, 57.35, fee; Office Max, 127.54, sup; PC Services, 116.00, ser; Postmaster, 103.68, sup; Reliable Consulting, 1,548, trees; Schultz, 150.00, ser; Schemmers, 25,008.76, fee; SE Smith, 15.84, sup; Shotwell Glass, 46.73, sup; Smithers, 900.00, rental; Solution One, 42.96, sup; Sprint/NEXTEL, 132.38, ser; Team Visa, 560.28, ser, sup, rpr, postage; WC HVAC, 325.63, ser; Washington County Sheriff, 5,338.51, contract; J. Boyd, 293.11, sup; November Payroll, 14,872.23.

Following discussion, members, Smith, Genoways, Shields and Nelson voted "Aye", motion carried.

Washington County Sheriff Report – no discussion

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

Member Genoways made a motion seconded by Member Smith to approve the 2009-2014 Capital Improvement Program as presented. With members Nelson, Smith, Genoways and Shields voting "Aye", motion carried.

A written review of the Annual Comprehensive Plan Goals and Priorities was accepted and Planning Commission Member Darin Wilson reviewed a written report he previously provided concerning questions and concerns raised by Reed Smith at the August 18, 2008 meeting. Following discussion, Mayor Oestmann stated he would find members to form a committee with Wilson to work on clarification in definitions and inconsistencies in the Municipal Code regarding Rights of Way as it applies to open and unopened (improved or unimproved) streets, including the use and maintenance of the areas by public and adjacent landowners.

At 8:10 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 item:

AN ORDINANCE AMENDING ARTICLE 7 "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", SECTIONS 702 "SETBACK ADJUSTMENTS"; AND; 706 "APPEALS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE REGULATIONS RELATED TO ACCESSORY BUILDINGS.

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 7.

With no comments, Mayor Oestmann declared the public hearing closed at 8.12 P.M.

Unfinished Business:

City Engineer Ron Woracek, TSA, gave status reports on the following: the Wastewater Conveyance Project including the discussion with Bill Hardy on his complaint of supply and equipment storage on the easement; Pioneer Park Trail, work suspended due to weather; Cedar Construction has been contacted to resume work on the Welchert/Knight public improvements, we should hear back from them after the holidays.

City Attorney Jim Egr reported that the Knight/Welchert matter is scheduled for a telephone hearing at 1:00 p.m. on January 5, 2009 and the additional information requested by the RF Broadband Specialists, Inc. Attorney concerning Betts Circle has been sent.

Mayor Oestmann introduced the following Ordinance entitled:

AN ORDINANCE AMENDING ARTICLE 7 "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", SECTIONS 702 "SETBACK ADJUSTMENTS"; AND; 706 "APPEALS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE REGULATIONS RELATED TO ACCESSORY BUILDINGS.

Said Ordinance was designated as ORDINANCE NO. 613 and the title thereof was approved.

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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": 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. 613 was 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": 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. 613 is on file at city hall and can be reviewed during normal business hours.

The meeting was then adjourned Sine Die at 8:24 P.M. The Mayor thanked Jim Shields for his past six years of service on the City Council and his previous years of service on the Planning Commission.

The mayor administered the oath of office to Council Member elect LeRoy Nelson.

Mayor Oestmann called the meeting to order at 8:26 p.m. and Members Genoways, Nelson and Smith answered roll call.

Mayor Oestmann announced the vacancy on the City Council for the 2009 – 2012 term and that a special meeting is scheduled for Monday, January 5, 2009, due to the holidays, at 6:30 p.m. for recommendation and confirmation of appointment.

### New Business:

Member Genoways made a motion seconded by Member Smith to approve the SDL request from Jill Vacek representing the Blair Cosmopolitan Club, for the 10<sup>th</sup> Annual Wild Game Feed, scheduled for February 6, 2009 at Schwertley Hall. With members Smith, Genoways and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Smith to approve the SDL request from Michael R. Smith representing the Fort Calhoun Fire & Rescue for the Annual Valentines Dance, scheduled for Friday, February 13, 2009 at the Community Building. With members Genoways, Nelson and Smith voting "Aye", motion carried.

Mayor Oestmann recommended the various Commissioner appointments; the Clerk/Treasurer, City Attorney and City Engineer appointments be tabled until the regular January meeting and the Park Board appointment be tabled until the regular February meeting. There were no objections.

Mayor Oestmann then made the following recommendation:

Ralph Carter, 3 - year term to the Planning Commission.

Member Genoways made a motion seconded by Member Shields to confirm the appointment of Ralph Carter. With members Nelson, Smith, Genoways and Shields voting "Aye", motion carried.

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Member Nelson made a motion seconded by Member Smith to approve Pay Application No. 2 from Rutjens Construction, \$1,016,245.45 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 and Genoways voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve Pay Application No. 8, retainage previously held for the Fort Calhoun Trail, Erikson Construction Company, \$5,000.00. With members Smith, Genoways and Nelson voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to approve employee benefits, additional hours for Joy Ruma and participation in the retirement plan be offered to Steve Faiman. With members Genoways, Nelson and Smith voting "Aye", motion carried.

Recent correspondence from the League of Nebraska Municipalities concerning "Ready to go" projects for consideration if a second economic stimulus package is passed by Congress was noted and briefly discussed.

The January 19, 2009 Public Hearing for the One and Six Year Street Improvement plan was noted

Public Comments: None

Motion was made by Member Smith and seconded by Member Nelson to adjourn. With all members voting "Aye", the meeting was declared adjourned at 8:45 P.M.

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Paul L. Oestmann, Mayor

Attest:

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Linda Welsher, CMC, City Clerk