

City of Fort Calhoun

December 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 December 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, 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 December 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 Genoways made a motion seconded by Member Nelson to approve the November 15, 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, 3,078.61, ult, ser; MUD, 219.58, ult; Papio M-R NRD, 4,098.35, water, Abe's Trash, 40.25, ser; Am. Broadband, 425.63, utl; Auto Creations, 4,020.43, rpr; Badger Body, 295.21, rpr; Baird Holm, 1,250.00, fee; Blue Cross, 2,059.54, hlth ins; Bomgaars, 248.34, sup; Boyle, Hess, 180.00, ser; Calhoun Oil, 755.83, fuel; City of Blair, 3,614.73, ser; Cornhusker Press, 43.84, sup; Data Tech 3,497.65, fee; Depository Trust/Chase, 20,943.75, bond prin & int; Egr, James, 500.00, ser; Enterprise, 488.51, pub; Ford Credit, 799.73, equip; Great Plains Communications, 49.95, ser; Great Plains One-Call, 21.84, fee; GSB Visa, 901.34, sup; HD Waterworks, 4,555.92, meters & adp; Jays Lawns, 90.00, ser; Maid/USA, 180.00, ser; Marvin Planning, 900.00, ser; Max I. Walkers, 215.80, ser; Miracle Recreation, 1,244.74, equip; Municipal Code Services, 75.00, fee; NPHEL, 224.00, tests; Ne Dept/Rev, 1,791.67, sales tax; New Frontier, 12,134.00, ins; PC Services, 116.00, ser; Postmaster, 108.92, sup; Solution One, 48.68, ser; Sprint/NEXTEL, 265.44, ser; Schemmer, 40.00, ser; Washington County Sheriff, 5,534.27, contract; Washington County Planning, 195.00, contract; Washington County Reg. Deeds, 15.50, fee; Washington County treas. 68.00, fee; J. Boyd, 290.91, sup; November Payroll, 14,401.97. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Washington County Sheriff Report – Dogs: Member Genoways' proposed recommendations and city attorney comments were distributed to committee members on December 1 and 7, respectively. A committee meeting will be scheduled in the near future.

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Member Genoways made a motion seconded by Member Nelson to accept the December 6, 2010 Planning Commission minutes as presented. With members Genoways, Wilson, Nelson, and Smith voting "Aye", motion carried.

Member Smith made a motion seconded by Member Nelson to approve the Planning Commission's recommendation to re-appoint Sam Ruma and Eric Herbert to their positions on the Commission. With members Wilson, Nelson, Smith and Genoways voting "Aye", motion carried.

Member Genoways made a motion seconded by Member Smith to approve the recommendation for the Administrative Lot Line Adjustment of parts of Tax Lots 132 and 133 (2-17-12). With members Nelson, Smith, Genoways and Wilson voting "aye", motion carried.

Member Genoways made a motion seconded by Member Nelson to accept the Planning Commission's Review of the Annual Comprehensive Plan Goals and Priorities for 2010/2011. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Genoways to accept the November 11 and November 23, 2010 Park Board minutes as presented. With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

The Park Board's decision to wait on the purchase of playground equipment at the T-Ball Field was discussed as well as the acknowledgement of Mitch Robinsons' 12 years and Jennie Premer's 3 years of service on the Board. The city attorney was directed to prepare an Ordinance to amend Municipal Code 1-1001, increasing the number Park Board members allowed and for additional clarifications, to be considered at the regular meeting scheduled for January 17, 2011.

Member Genoways made a motion seconded by Member Smith to accept the December 13, 2010 Enhancement Committee minutes as presented. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

The Following Enhancement Christmas Lighting/Decorating Contest winners were acknowledged: Residential Results: 1st \$75, Ron & Gloria Penas, 309 South 16th Street; 2nd \$50, Ted & Sunny Welchert, 1585 Betts Circle and 3rd \$25, Mike & Rebecca Bonacci, 1520 Betts Circle. Business Results: 1st \$75, Hardware Café, 105 South 14th Street; 2nd \$50, Washington County Museum, 102 North 14th Street and 3rd \$25, Autumn Pointe, 501 North 13th Street.

Member Smith made a motion seconded by Member Nelson to approve an additional Enhancement Committee member, Sherry Brooks. With members Nelson, Smith, Genoways and Wilson voting "Aye", motion carried.

At 8:00 o'clock 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 recommendation made by the Planning Commission on the following item:

AN ORDINANCE AMENDING ARTICLE 2 "DEFINITIONS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE "CONDITIONAL USE" AND "CONDITIONAL USE PERMIT" WITHIN THE REGULATIONS.

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

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Mayor Oestmann then asked if there were any persons present who wished to be heard concerning the proposed ordinance regarding changes. There being no comments Mayor Oestmann moved on to the next item.

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 recommendation made by the Planning Commission on the following item:

AN ORDINANCE TO AMEND AND UPDATE THE OFFICIAL ZONING MAP OF FORT CALHOUN, TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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 ordinance regarding changes. There being no comments Mayor Oestmann closed the public hearings at 8:02 p.m.

Member Smith made a motion seconded by Member Genoways to approve the SDL request from Dan Mussack representing the Blair Cosmopolitan Club, for the 12th Annual Wild Game Feed, scheduled for Friday, February 25, 2011 at Schwertley Hall. With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Smith made a motion seconded by Member Nelson to approve Fort Calhoun Community Schools Superintendent, Don Johnson's request for \$17,750.00 of Keno Funds for materials to renovate the community building kitchen (high school construction students and volunteers will provide the labor, professionals will be hired as needed). With members Genoways, Wilson, Nelson and Smith voting "Aye", motion carried.

Fort Calhoun Community Schools Superintendent, Don Johnson then presented a preliminary plan for the Fort Calhoun Elementary School addition and renovation, he also discussed a proposed site plan to address traffic issues and staff parking. Mr. Johnson commented again on current traffic concerns, and requested the city consider vacating of North 11th Street between Monroe Street and Adams Street. He also requested the city's consideration in participation in the street, storm drainage and sidewalk improvements.

City Engineer Woracek reported on items to consider when Great Southern Bank begins work on drainage issues at the corner of 14th Street and Monroe. Mr. Woracek also offered comments concerning the elementary school site and stated a work meeting should be scheduled in the near future.

City Attorney Egr requested pending legal matters be discussed in closed session at the end of the meeting.

Member Genoways reported that Paula Hazelwood of Gateway will be attending January's meeting.

Member Smith made a motion seconded by Member Genoways to accept the high bid of \$1,151.00 from Richard Gochanour for excess equipment (1996 Ford F 250 with blade.) With members Smith, Genoways, Wilson and Nelson voting "Aye", motion carried.

Member Genoways introduced Ordinance No. 657 entitled:

AN ORDINANCE AMENDING ARTICLE 2 "DEFINITIONS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE "CONDITIONAL USE" AND "CONDITIONAL USE PERMIT" WITHIN THE REGULATIONS.

and moved that the statutory rule requiring reading on three different days be suspended. Member Nelson seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Nelson, Smith, Genoways and Wilson. ABSENT: None, motion carried.

Member Smith made a motion seconded by Member Nelson for final adoption of Ordinance No. 657. Upon roll call vote on the motion the following Council Members voted AYE: Genoways, Wilson, Nelson and Smith. ABSENT: None. 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 Nelson introduced Ordinance No. 658 entitled:

AN ORDINANCE TO AMEND AND UPDATE THE OFFICIAL ZONING MAP OF FORT CALHOUN, TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

and moved that the statutory rule requiring reading on three different days be suspended. Member Genoways seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Wilson, Nelson, Smith and Genoways. ABSENT: None, motion carried.

Member Genoways made a motion seconded by Member Nelson for final adoption of Ordinance No. 658. Upon roll call vote on the motion the following Council Members voted AYE: Smith, Genoways, Wilson and Nelson. ABSENT: None. 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 Ordinance No. 659 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, ADOPTING UNIFORM ADMINISTRATIVE FEES, UTILITY FEES AND PLANNING AND ZONING DEPARTMENT FEES; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

and moved that the statutory rule requiring reading on three different days be suspended. Member Smith seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Nelson, Smith, Genoways, and Wilson. ABSENT: None, motion carried.

Member Smith made a motion seconded by Member Nelson for final adoption of Ordinance No. 659. Upon roll call vote on the motion the following Council Members voted AYE: Genoways, Wilson, Nelson and Smith. ABSENT: None. 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

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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 Smith introduced Ordinance No. 660 entitled:

AN ORDINANCE AMENDING SECTION 2-128 OF THE FORT CALHOUN MUNICIPAL CODE REGARDING SEX OFFENDER RESIDENCY RESTRICTIONS; REPEALING ORIGINAL SECTION 2-128; AND PROVIDING AN EFFECTIVE DATE.

and moved that the statutory rule requiring reading on three different days be suspended. Member Nelson seconded the motion to suspend the rules and following discussion, upon roll call vote on the motion the following Council Members voted AYE: Nelson, Smith, Genoways and Wilson. ABSENT: None, motion carried.

Member Nelson made a motion seconded by Member Smith for final adoption of Ordinance No. 660. Upon roll call vote on the motion the following Council Members voted AYE: Genoways, Wilson, Nelson and Smith. ABSENT: None. 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.

The meeting was then adjourned **Sine Die**.

The city attorney administered the oaths of office to Mayor elect Mitch Robinson; Council Members elect David Genoways and Carrie Halford.

Mayor Robinson called the organizational meeting of the new council to order at 8:59 p.m. Members Genoways, Nelson and Halford answered roll call.

Mayor Robinson and the City Council accepted the resignation from Member Darin Wilson, thanking him for his two years of service and announced the vacancy on the City Council for the remaining two years of his term. A special meeting is scheduled for Monday, January 3, 2011, at 6:00 p.m. for recommendation and confirmation of appointment.

Mayor Robinson recommended voting for Council President and that the Commissioner appointments be considered at the regular meeting scheduled for January 17, 2011.

Mayor Robinson made the following recommendations for reappointment:

Linda Welsler – City Clerk/Treasurer; Jim Egr – City Attorney and Ron Woracek, Schemmer – City Engineer.

Member Genoways made a motion seconded by Member Nelson to confirm the appointments. With members Halford, Nelson and Genoways voting “Aye”, motion carried.

Mayor Robinson postponed the following appointment recommendations:

City Prosecutor, Park Board: Five (5) open positions and the Board of Adjustment: Five (5) open positions to the regular meeting scheduled for January 17, 2011.

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Public Comments:

Mayor Robinson again thanked Paul Oestmann and Mike Smith for their many years of service.

Mark Welsher commented on Mayor Robinson's portion of the meeting.

Member Genoways made a motion seconded by Member Nelson to go into closed session to discuss strategic planning regarding pending legal matters. With members Nelson, Genoways and Halford voting "Aye", motion carried.

After the vote, Mayor Robinson stated for the record, the motion was made, seconded and carried for the council to go into closed session to discuss strategic planning regarding pending legal matters. Mayor Robinson declared the meeting in closed session at 9:15 p.m.

The Council returned to open session at 9:30 p.m.

Member Halford made a motion seconded by Nelson to adjourn. With all members in attendance voting "Aye", the meeting adjourned at 9:31 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk