

## ***JUNE 15, 2020 CC MINUTES***

A regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:01, on Monday, June 15, 2020 at the Fort Calhoun Council Chambers, in Fort Calhoun, Nebraska.

Notice of the meeting was given in advance thereof by publication, said form of notice being a designated method for giving notice, an affidavit of publication 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.

In accordance with Section 84-1412 sub section eight (8) of the Reissue Revised State Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written material to be discussed is available to the public at this meeting for examination and copying.

Mayor Robinson stated persons wishing to address the Governing Body on an agenda item shall wait to be identified by the Presiding Officer; then, after stating their name and address for the record, may proceed to speak. No person, other than the Council and the person having the floor will be permitted to enter any discussion without the permission of the Presiding Officer. Remarks shall be limited to five minutes unless extended or limited and repetitive or cumulative remarks may be limited or excluded by the Presiding Officer.

Mayor Robinson 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.

Please note that the meeting minutes are not approved until the next regular City Council meeting.

On roll call, the following Council Members answered present: Ritch Nelson, Bob Prieksat, Nick Schuler, and Lori Lammers.

With a quorum present, Mayor Robinson presided, and the clerk recorded the proceedings.

Member Prieksat made a motion seconded by member Lammers to approve the following consent agenda items: *May 18, 2020 City Council minutes, Treasures Report for May 2020, June 4, 2020 Park Board minutes, Maintenance Report, May 2020 Washington County Sheriff's Statistics*; with members Lammers, Nelson, Prieksat, and Schuler voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Nelson to approve the following bills: A-1 FLAGS, POLES, & REPAIR - 840.00, ABE'S TRASH SERVICE, INC. - 205.13, ACCESS SYSTEMS LEASING -187.44, AFLAC - 378.64, AMERICAN BROADBAND - 644.68, BOK FINANCIAL - 3862.50, BOMGAARS - 524.70, CEDAR CONSTRUCTION CO. INC. - 70117.48, CHASE BANK- 53050.00, CITY OF BLAIR - 5535.80, CLINE WILLIAMS - 117.50, CONOCO FLEET - 228.27, CORE & MAIN - 861.24, EFTPS - 2308.02, ENTERPRISE MEDIA GROUP - 121.61, GWORKS - 1648.64, HMI, INC - 1500.00, JDW MIDWEST, LLC - 275.00, JEO CONSULTING GROUP, INC. - 26735.00, KAMB & CENTERPRISES - 65.00, M.U.D. - 99.09, NE PUBLIC HEALTH ENV LAB - 15.00, NEBRASKA DEQ - 15275.64, NEBRASKA SALES TAX - 2725.74, O.P.P.D. - 2572.12, ONE CALL CONCEPTS, INC - 59.78, PAPIO-MISSOURI RIVER N. R. D. - 6801.34, POSTMASTER - 150.85, SENSUS METERINGSYSTEMS - 1949.94, TALBOT LAW OFFICE - 1505.00, THE BOOKKEEPING COMPANY, INC - 600.00, THE SIGN DEPOT - 249.75, UNITED HEALTH CARE - 8422.10, VERIZON WIRELESS -129.84, VISA - 1610.20, WASHINGTON CO. REG. OF DEEDS - 10.00, Total - 211383.04; with members Prieksat, Schuler, Lammers, and Nelson voting "Aye", motion carried.

Mark Pearson, Lady Diamonds coach (1857 Cameo Dr.), requested the City reconsider the use of the community ball fields and allow them to be able to have practice time scheduled on the fields. There are two select teams-10U and 12U. He asked what steps he can take to do be considered a local team. Angie Kubicek, FCYSO President (5850 Co Rd P39), expressed her concerns with the time available on the field for all the teams, as it has already been a huge challenge. She requested if they do allow them to practice on the field, for there to be an agreement in place. There were comments and a lengthy discussion between the council and members of the public (those in favor and against). Council recommended they go to the Park Board to request changes to the field use regulations and/or go to the school to request practice time on the school's jaycee field.

Member Prieksat made a motion seconded by member Schuler to approve the amended Parking Lot Agreement with Northern Hills Ventures, LLC. The new agreement states that the City will waive 50% of the total fees (\$7,730). This allows for the public to utilize the parking lot when it is not being used for an event. With members Lammers, Nelson, Prieksat, and Schuler voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Lammers to approve Change Order No. 2 with Western Engineering for the 2020 Asphalt Overlays project. With members Schuler, Lammers, Nelson, and Prieksat voting "Aye", motion carried.

Member Schuler made a motion by member Lammers to approve Pay Application No. 1 for the 2020 Asphalt Overlay project to Western Engineering in the amount of \$367,058.88. The project is substantially complete. With members Prieksat, Schuler, Lammers, and Nelson voting "Aye", motion carried.

City Engineer, Lucas Billesbach, gave an update on the 2020 Adams Street Corridor Construction Phase 2 & 3 project. Cedar Construction is in the process of completing underground utility work. Lucas announced that the City has received a grant from an anonymous donor for the splash pad. Group B will be considered at the July meeting.

Member Schuler made a motion by member Lammers to approve Pay Application No. 1 for the Adams Street Corridor Phase 2 & 3 Project to Cedar Construction in the amount of \$73,117.48. With members Nelson, Prieksat, Schuler, and Lammers voting "Aye", motion carried.

Member Schuler introduced **Resolution 2020-5 – COVID-19: Use of Municipal Property for Sports or Other Recreational Activities** and moved for its passage and adoption. Motion seconded by member Prieksat. On roll call the following voted "Aye": Lammers, Nelson, Prieksat, and Schuler. The passage and adoption of said Resolution having been concurred by most of all members of the Council, the Mayor declared the Resolution adopted and, in the presence of the Council, signed and approved the Resolution and the Clerk attested the passage and approval of the same and affixed her signature thereto.

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

**COVID-19: Resolution of the City of Fort Calhoun Regarding Use  
of Municipal Property for Sports or Other Recreational Activities**

A Resolution of Fort Calhoun, Nebraska, Regarding the Risk of Exposure to COVID-19 Through the Use of Municipal Property for Sports or Recreational Activities.

**Recitals**

WHEREAS, the novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization, is extremely contagious, and is believed to spread mainly from person-to-person contact;

WHEREAS, on March 13, 2020, the Governor of the State of Nebraska declared a state of emergency related to COVID-19 within the entire State of Nebraska, and this state of emergency remains in effect;

WHEREAS, directed health measures are in effect for every County in the State of Nebraska through May 31, 2020, and are likely to be extended by the Governor in some form for most or all Counties after May 31, 2020;

WHEREAS, on May 21, 2020, the Governor announced that the directed health measure prohibiting all organized team sports, youth and adult, would be relaxed by the State of Nebraska beginning June 1, 2020, in order to permit the planned reopening of certain adult and/or youth team sports;

WHEREAS, a copy of the June 1st Statewide Sports Reopening Guidelines is attached to this Resolution and incorporated herein as part of these Recitals;

WHEREAS, it is anticipated that future guidance from the State of Nebraska will permit additional team sports and other recreational activities;

WHEREAS, players, coaches, officials, and others who participate in such games, practices, or other recreational activities, and spectators who attend such activities risk the dangers of illness, disease, medical complications, injury or death, caused by or related to COVID-19, by voluntarily entering the municipal property and/or facilities on which such activities take place, by watching such activities, and by participating or authorizing the participation of a minor, in such games, practices, or other recreational activities; and

WHEREAS, it is the intent of Fort Calhoun to permit the resumption of adult and/or youth team sports and other recreational activities on municipal property and/or facilities, in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska, including, but not limited to, the June 1st Statewide Sports Reopening Guidelines and such further laws and guidance that may be issued in the future, provided that every individual, organization, or group sponsoring such activities, and all participants and spectators, fully assume the health risks associated with these activities,

including the inherent risk now present in any such activities as a result of the presence of COVID-19 in the State of Nebraska, and provided that participants in such activities sign an agreement that releases Fort Calhoun, its elected and appointed officials and employees, and all other participants in adult and/or youth team sports or other recreational activities from liability associated with exposure to COVID-19 in the course of such activities.

NOW, THEREFORE, BE IT RESOLVED by the City of Fort Calhoun that any individual, organization or group sponsoring adult and/or youth team sports or other recreational activities that wishes to use the playing or practice fields, courts, grounds, and/or other facilities of Fort Calhoun for games, practices, or other recreational activities will be required to enter into the COVID-19: Agreement for Use of Municipal Property for Sports or Other Recreational Activities attached hereto. These Agreements will be maintained by the Municipal Clerk and shall constitute an addendum to any other contract, lease, or agreement allowing the use of the municipal property and/or facilities of Fort Calhoun by the same individual, organization, or group.

BE IT FURTHER RESOLVED that, in order to enter the playing or practice fields, courts, grounds, and/or other facilities of Fort Calhoun to participate in games, practices, or other recreational activities, all players, coaches, officials and other participants must sign the agreement titled COVID-19: Participants Agreement for Sports or Other Recreational Activities in substantially the same form as attached hereto. Each team wishing to participate on or use the municipal property and/or facilities of Fort Calhoun must provide copies of signed Agreements for all participants affiliated with the team, together with a roster containing a complete list of the names of all players, coaches, officials, and others affiliated with the team. Copies of these documents must be provided to and shall be maintained by the Municipal Clerk.

BE IT FURTHER RESOLVED that, for the avoidance of doubt as to the risk assumed by participants and spectators, in order to encourage compliance with directed health measures and guidelines, and in order to promote public safety, the applicable provisions of the June 1st Statewide Sports Reopening Guidelines, shall be posted on all practice and playing fields, courts, grounds, and/or other facilities where adult and/or youth practices and/or games or other recreational activities occur. If the June 1st Statewide Sports Reopening Guidelines, are subsequently modified or updated, the applicable provisions of the modified or updated guidelines shall be posted in the same manner.

BE IT FURTHER RESOLVED that all participants and spectators shall comply with all federal, state and local laws and regulations, all directed health measures and guidelines, and all security policies or procedures established by Fort Calhoun relating to COVID-19 or other safety or hygiene precautions while present on municipal property and/or facilities, understanding that the Fort Calhoun may elect to deny entrance to its playing or practice fields, courts, grounds, and/or other facilities to any non-complying participant or spectator, or to require a non-complying participant or spectator to leave the premises at any time.

BE IT FURTHER RESOLVED that officials and employees of Fort Calhoun are authorized to execute the directives set forth in this Resolution.

RESOLVED this 15<sup>th</sup> day of June, 2020.

ATTEST: By: Mitch Robinson, (Mayor/Chair)

By: Alicia Koziol, (Municipal Clerk)

Member Schuler made a motion to introduce **Ordinance 765** entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 2020-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; APPROVING PLANS, SPECIFICATIONS, AND ESTIMATES OF COST; PROVIDING FOR THE SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS.

Member Schuler 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. With members Schuler, Lammers, Nelson, and Prieksat voting "Aye", motion carried.

Member Schuler made a motion for final approval of Ordinance 765, and member Nelson seconded. With members Prieksat, Schuler, Lammers, and Nelson voting "Aye", motion carried.

Member Schuler made a motion to introduce **Ordinance 766** entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2020, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTEEN THOUSAND DOLLARS (\$415,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2020-1 PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF OTHER TERMS OF THE NOTES; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

Member Schuler moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Lammers seconded the motion. With members Nelson, Prieksat, Schuler, and Lammers voting "Aye", motion carried.

Member Schuler made a motion for final approval of Ordinance 766, and member Lammers seconded. With members Lammers, Nelson, Prieksat, and Schuler voting "Aye", motion carried.

Member Lammers made a motion seconded by member Schuler to approve the purchase John Deere Diesel Commercial ZTrak for \$13,400. Maintenance Supervisor, Corban Helmandollar, explained that there is a 12-year replacement program on the equipment. The equipment will be purchased next fiscal year and will be put on a three-year loan. With members Schuler, Lammers, Nelson, and Prieksat voting "Aye", motion carried.

Mayor Robinson appointed a committee to look at annexation. The committee will consist of Jeff Ray (JEO), Lucas Billesbach (JEO), Nick Schuler (City Council), Ritch Nelson (City Council), and Aaron Schrum (Planning Commission).

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:26 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk