

NOVEMBER 21, 2022 CC MINUTES

A regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:00, on Monday, November 21, 2022, at the Fort Calhoun Council Chamber, 110 S 14th St, 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.

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: Andy Bowser, John Kelly, Bob Prieksat and Nick Schuler.

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.

Mayor Robinson led those present in the Pledge of Allegiance.

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

Member Schuler made a motion seconded by member Bowser to approve the following consent agenda items: *October 17, 2022 City Council minutes; Treasures Report for October; November 10, 2022 Park Committee minutes; October 24, 2022 Enhancement Committee minutes; Maintenance Report; October 2022 Washington County Sheriff's Statistics;* with members Bowser, Kelly, Prieksat, and Schuler voting "Aye", the motion carried

Member Schuler made a motion seconded by member Kelly to separate the November 2, 2022 Christmas in Calhoun minutes separated from the consent agenda and approve the Parade of Lights map. With members Schuler, Bowser, Kelly, and Prieksat voting "Aye", motion carried.

Mayor Robinson presented the bills. Member Prieksat made a motion seconded by member Schuler to approve the following bills: ABE'S PORTABLES - 98.28, 124.78, ABE'S TRASH SERVICE, INC. - 348.75, ACCURATE LOCKSMITHS, INC - 111.00, AFLAC - 118.95, 16.25, ALICIA KOZIOL - 76.38, BLAIR ACE HARDWARE - 181.91, BLAIR YOUTH SPORTS ASSOCIATION - 220.87, BCBS OF NE - 3,185.33, BOWSER TRANSFER LLC - 555.19, 594.44, BRETT GREENOUGH -263.71, CITY OF BLAIR - 3093.07, CLINE WILLIAMS - 1842.50, CONOCO FLEET - 771.46, CREATIVE SITES, LLC - 5359.00, CUMMINS SALES AND SERVICE - 34.22, 749.01, EFTPS - 1,412.68, 330.40, 892.07, EMBRIS GROUP, LLC - 1268.75, 2737.50, ENTERPRISE MEDIA GROUP - 138.15, 18.45, 9.90, 8.55, FASTWYRE BROADBAND - 472.76, HOME DEPOT CREDIT SERVICES - 163.85, IDEAL PURE WATER - 31.25, IIMC - 210.00, INTERNAL REVENUE SERVICE - 309.56, JDW MIDWEST, LLC - 275.00, JEO CONSULTING GROUP, INC. - 468.75, 550.00, 2500.00, 2360.00, 550.00, JM ONLINE - 291.95, M.U.D. - 123.15, MARTIN MARIETTA MATERIALS - 831.67, 414.19, 1557.70, MENARDS - 132.82, MILES ELECTRIC COMPANY - 4122.14, MUTUAL OF OMAHA - 72.00, 18.00, NE PUBLIC HEALTH ENV LAB - 15.00, NEBRASKA DEPT OF REVENUE - 379.55, NEBRASKA DEPT OF TRANSPORTATION - 140698.66, OPPD - 3,032.11, ODEY'S INC. - 10480.35, ONE CALL CONCEPTS, INC - 65.36, PAPIO-MISSOURI RIVER N. R. D. - 8614.87, 1420.08, POSTMASTER - 189.20, TALBOT LAW OFFICE - 560.00, THE AMERICAN FUNDS GROUP - 1,833.40, UTILITIES SERVICE GROUP - 825.00, 668.25, VISA - 6,637.78, WASHINGTON CO. REG. OF DEEDS - 28.00, WASHINGTON COUNTY CLERK - 50.49, WASHINGTON COUNTY SHERIFF - 6493.76, Total - 222,008.20; with members Kelly, Prieksat, and Schuler voting "Aye", member Bowser abstaining, motion carried.

The public hearing relating to the CLASS B - BEER, OFF SALE ONLY LIQUOR LICENSE APPLICATION FOR FAMILY DOLLAR INC - FAMILY DOLLAR 33140, 1310 PADDOCK STREET, FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA opened at 7:09 p.m. There were no written or public comments. The public hearing closed at 7:10 p.m.

Member Prieksat made a motion seconded by member Kelly to approve the Class B – Beer, Off Sale Only Liquor License Application for Family Dollar Inc – Family Dollar 33140. With members Kelly, Prieksat, Schuler, and Bowser voting “Aye”, motion carried.

City Engineer, Lucas Billesbach, gave an update on the 2023 City Strategic Planning Process. A survey is available on the city website and at City Hall and a draft of the plan will be on the December council agenda.

Member Kelly introduced **Resolution 2022-11 Construction Manager at Risk - Adams Street Corridor Group B improvements** and moved for its passage and adoption. Member Schuler seconded the motion. On roll call the following voted “Aye”: Kelly, Prieksat, Schuler, and Bowser. 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:

RESOLUTION NO. 2022-11

BE IT RESOLVED BY THE CITY COUNCIL OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA:

WHEREAS, the City Council of Fort Calhoun has chosen to use a construction management at risk contract pursuant to the Political Subdivision Construction Alternative Act (the "Act") for the purpose of constructing the Adams Street Corridor Group B improvements to provide a time and cost savings to the city.

WHEREAS, the City Council has previously adopted policies pursuant to the Act. The City Council will then proceed and follow all of the other provisions of Sections 13-2901 to 13-2914 of the Act.

NOW, THEREFORE, be it authorized that the City of Fort Calhoun shall use a construction management at risk contract, pursuant to the Act and abide by all of the provisions of the Act set forth in Sections 13-2901 to 13-2914.

IT IS FURTHER RESOLVED, that the Mayor is authorized to sign this Resolution on behalf of the City Council.

PASSED AND APPROVED this 21st day of NOVEMBER 2022.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Schuler made a motion seconded by member Prieksat to approve the Proposal Requirement for the Adams Street Corridor Group B improvements. A contractor is chosen based off qualifications rather than price. A selection committee will evaluate proposals based off a list of criteria. The proposals will be due on January 5th and the selection committee will meet tentatively January 13th. With members Schuler, Bowser, Kelly, and Prieksat voting “Aye”, motion carried.

Member Schuler made a motion seconded by member Kelly to approve the Request for Proposals for the Adams Street Corridor Group B improvements and authorize the city clerk to advertise for said request. With members Prieksat, Schuler, Bowser, and Kelly voting “Aye”, motion carried.

Mayor Robinson appointed a five-member selection committee for the Adams Street Corridor Group B improvement project to consisting of Council President-Bob Prieksat, Council Member-John Kelly, Maintenance Supervisor-Corban Helmandollar, City Engineer-Lucas Billesbach, and Donald Welchert. Member Schuler made a motion seconded by member Prieksat to approve the committee. With members Kelly, Prieksat, Schuler, and Bowser voting “Aye”, the motion carried.

Council acknowledged receipt of any written objections to Street Improvement District 2022-1, Monroe Street west of 16th Street. There were no written objections submitted and the district proceeds.

Council reviewed Task Order 131216.30 for final design, preparation of easement and right of way tract maps or plats, and bidding services for the extension of Monroe Street to the west of 16th Street in the amount of \$28,750.00. Member Prieksat made a motion revise the amount to \$35,500 and approve the task order. Member Kelly seconded the motion. With members Bowser, Kelly, and Prieksat voting “Aye”, and member Schuler abstaining with conflict, motion carried.

Member Prieksat introduced **Resolution 2022-12 Loan Agreement between the Nebraska Department of Environment and Energy and the City of Fort Calhoun (Project No. C318067) for the Lift Station Flood Protection Improvements** and moved for its passage and adoption. Member Schuler seconded the motion. On roll call the following voted “Aye”: Bowser,

Kelly, 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:

RESOLUTION NO. 2022-12

WHEREAS, the City of Fort Calhoun, Nebraska recognizes that a properly functioning sanitary sewer system is necessary to the health and welfare of the citizens of the city; and

WHEREAS, the Mayor and City Board of Trustees have determined that portions of the city sanitary sewer system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the city sanitary sewer system may be obtained by loan from the Nebraska Department of Environment and Energy, subject to certain requirements and obligations; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Board of Trustees of the City of Fort Calhoun, Nebraska that they should execute the contract for loan between the Nebraska Department of Environment and Energy and the City of Fort Calhoun, Nebraska designated as Project No. C318067, incorporated by reference into this Resolution as if fully set forth; and

BE IT FURTHER RESOLVED, Mitch Robinson, Mayor, is hereby directed to execute the Agreement and all other documents necessary to facilitate the Loan between the Nebraska Department of Environment and Energy and the City of Fort Calhoun, Nebraska for the purpose of repairing and improving the city's sanitary sewer system; and

BE IT FURTHER RESOLVED THAT Alicia Koziol, Clerk, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

HEREBY the RESOLUTION has passed and approved as of November 21, 2022.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Prieksat introduced **Resolution 2022-13 Agreement between the City of Fort Calhoun and the State of Nebraska for Highway Project No. NH-75-3(124)**. Member Schuler seconded the motion. On roll call the following voted "Aye": Prieksat, Schuler, Bowser, and Kelly. 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:

RESOLUTION NO. 2022-13

BE IT HEREBY RESOLVED that the Mayor be authorized to execute the agreement between the City of Fort Calhoun and the State of Nebraska for milling and overlay of asphalt pavement, concrete repair, curb ramp construction, installing and replacing detectable warning panels, replacing sidewalk, and repairing inlet, Highway US – 75 [NH-75-3(124)], beginning near Court Street (R.P. 105+99) and extending to the north corporate limits (R.P. 106+62) that is located within the City of Fort Calhoun. The City has requested that the scope of the State's project be expanded to include installing and replacing detectable warning panels, replacing sidewalk, and repairing inlet with the City being responsible for \$26,400.00.

PASSED AND ADOPTED THIS 21st DAY OF NOVEMBER 2022

CITY OF FORT CALHOUN, NEBRASKA

Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Prieksat introduced **Resolution 2022-14 Flexible Benefits Plan** and moved for its passage and adoption. Member Kelly seconded the motion. On roll call the following voted "Aye": Bowser, Kelly, 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:

RESOLUTION 2022-14
(Flexible Benefits Plan)

A RESOLUTION OF THE CITY COUNCIL OF FORT CALHOUN, NEBRASKA, APPROVING THE CITY OF FORT CALHOUN, NEBRASKA FLEXIBLE BENEFITS PLAN.

RECITALS

A. Counsel to the City have prepared an amended and restated Flexible Benefits Plan (the "Plan") that is intended to permit employees to pay for qualified benefits on a pre-tax basis.

B. The City Council desires to adopt the Plan in substantially the form that was presented to the City Council at its meeting.

C. The City Council desires to authorize the Mayor to adopt certain amendments to the Plan without further approval by the City Council.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fort Calhoun, Nebraska, that the Plan is approved and adopted.

BE IT FURTHER RESOLVED, that the City Council authorizes and directs the Mayor to execute the Plan in substantially the form that was presented to the City Council at its meeting.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, without further authorization, amendments to the Plan which counsel to the City recommends be adopted to comply with applicable law and/or to facilitate Plan administration, and which do not materially increase the cost to the City of sponsoring and administering the Plan.

BE IT FURTHER RESOLVED, that the City Council authorizes and directs the Mayor to take such actions and execute such documents as they deem necessary or appropriate to carry out the intent and purposes of the above preambles and resolutions, and to cause the Plan to be administered according to its terms and applicable law.

Dated this 21st day of November, 2022.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Schuler introduced **Resolution 2022-15 Employee Manual** and moved for its passage and adoption. Member Kelly seconded the motion. On roll call the following voted "Aye": Schuler, Bowser, Kelly, and Prieksat. 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:

RESOLUTION NO. 2022-15

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, THAT THE REVISED PERSONNEL MANUAL AS PREPARED BY CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P. BE AND IS HEREBY ADOPTED.

BE IT FURTHER RESOLVED THAT A COPY OF SAID MANUAL BE FILED IN THE CITY OFFICE AND COPIES PROVIDED TO CURRENT AND FUTURE CITY EMPLOYEES.

ADOPTED THIS 17th DAY OF OCTOBER 2022

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Schuler made a motion to approve the second reading **Ordinance 798 - Authorizing Issuance of Bond Anticipation Notes, Series 2022** and. Member Prieksat seconded the motion. With members Kelly, Prieksat, Schuler, and Bowser voting "Aye", the motion carried.

Member Prieksat made a motion seconded by member Schuler to approve the purchase of Ford F-250 (State Contract #15751) in the amount of \$52,984.00. The delivery on the truck is 120-180 days out. Corban said the bid doesn't include a plow and they plan to purchase one after they sell the 2008 truck. With members Bowser, Kelly, Prieksat, and Schuler voting "Aye", motion carried.

Mayor Robinson announced there will be an open house/meet & greet from 6:00-7:00 on December 19th (before the council meeting).

After the vote, Mayor Robinson stated for the record, the motion was made, seconded and carried for the council to go into closed session, necessary for the protection of the public interest, to discuss land purchase negotiations at 8:04 p.m. City Clerk, Alicia Koziol, was invited to attend.

Mayor Robinson declared the meeting in open session at 8:25 p.m. No action was taken.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:25 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk

The complete text of the minutes is available at and are on file in the office of the City Clerk, 110 South 14th Street: available for public inspection during regular business hours, Monday through Friday.