

## City of Fort Calhoun

July 18, 2016

A regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:00 o'clock p.m., on Monday, July 18<sup>th</sup>, 2016 at the Fire Hall, located at 602 n. 14<sup>th</sup> 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. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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 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 into 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.

On roll call, the following Council Members answered present: Bob Prieksat, Dave Romans, Nick Schuler. Randy Magill was absent.

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

Member Romans made a motion seconded by Member Prieksat that all items listed under the consent agenda be approved, accepted and/or ratified as presented. With members Prieksat, Romans and Schuler "Aye", motion carried.

*(The consent agenda included: June 20, 2016 city council minutes; July 7, 2016 park board minutes; June 27, 2016 enhancement committee minutes; July 2016 treasurers report; June 2016 WCSO statistics and the maintenance report.)*

Member Romans made a motion seconded by Member Prieksat to approve the following bills for payment:

OPPD, 3472.95, utl; MUD, 84.00, utl; Papio M-R NRD, 10677.28, water; Abe's Trash, 99.06, ser; AG One Appraisal, 750.00, ser; Am. Broadband, 595.48, utl; Am. Funds Group, 745.36, pen; Bomgaars, 706.22, sup; Boyle Hess & Elliott CPA's PC, 1140.00, ser; City of Blair, 8123.81, ser; Conoco Fleet, 430.94, sup; EFTPS, 8047.69, tax; Enterprise Pub, 407.63, ser; Federated Ins., 2987.02, hlth ins; JEO Consulting, 10914.00, ser; John Deere Financial, 195.52, sup; Jody Koziol (Maid/USA), 180.00, ser; Loveland Grass, 351.60, ser; NE Dept of Rev, 1048.04, tax; NE Public Health Env Lab, 485.00, ser; NE Secretary of State, 30.00, ser; Nebraska Sweeping, 27740.87, ser; New Frontier Ins Agency, 40.00, ins; One Call Concepts, 66.54, ser; PC Services, 220.00, ser; Postmaster, 140.76, sup; Quill Corp, 87.95, sup; Schmidt Monument Co, 244.00, ser; SE Smith, 67.92, sup; Sign Depot LLC, 133.75, sup; SolutionOne, 116.49, ser; Sprint, 50.71, utl; Talbot & Truhlsen, 1018.80, ser; VISA (Two Rivers), 287.61, sup; Wash. Co. Sheriff, 5384.56, exp; Welchert Woodworking, 30,000.00, ser; D. Sutherland, 60.02, reimb; K. Knight, 1250.00, HSA; July Payroll, 15984.90. With members Romans, Schuler and Prieksat voting "Aye", motion carried.

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Member Romans questioned the cleaning bill for \$180 instead of the normal monthly bill of \$120. City Clerk said she would look into it.

Judy Boyd with the Enhancement Committee gave an update on their project for the Historical Marker Stone.

Corban Helmandollar, Maintenance department discussed the quotes for budgeted street repair projects on 15<sup>th</sup> and Clark, 16<sup>th</sup> and Clay and N.16<sup>th</sup>, 17<sup>th</sup> and Clark. Tabled until next month. Sewer Infiltration project should be done by the end of the month.

Sandy Kucera's request for a change of the Heritage Days parade route. Pam Daley pointed out the reasons for the parade down main street. Sandy explains that she has been involved with the Pottery Tour for the past 11 yrs. Which is also starting that day and wants people to have access to her business. Sheriff Robinson stated his officers would help people through the detour during the time Highway 75 is closed. The Mayor presented on a power point the original parade route and 3 alternative routes, lots of discussion among the people in attendance. The Council asked for a vote of the majority among the attendees, Alternative Route #2 was chosen. Member Romans made a motion to approve the Alternative Route #2, seconded by Schuler. With all members voting "Aye", motion carried.

Request to close Monroe St. from 14<sup>th</sup> St. to the alleyway on Thursday's during the Farmers Market 4-8pm. The Mayor commented on how well it was going over this year and thanked Amanda Schrum and the Enhancement for organizing the event! Member Romans made a motion seconded by Schuler to approve the request for the remainder of the Farmers Market. With all members voting "Aye", motion carried.

The city engineer, Lucas Billesbach, gave an update on the West Market Square Park Improvements, including notifying the Council that the NRD grant for \$30,000 had been awarded to the City of Fort Calhoun to be used towards the project. Discussion on what the project consists of, including redesigning the headwall. Council wants to see what was budgeted and Lucas remarked it would be a spring project, possibly could be scheduled for next year.

The city engineer presented the different alternatives for the drainage issues on Clay St. After reviewing the power point, discussion on the different options, getting input from the engineer and homeowners. Council suggested Option 2 and asked Lucas to work on an estimate to present at the next meeting.

Lucas asked for direction from the Council on Washington Street. Discussion on having a gravel road versus concrete or asphalt paving. Council wants to discuss the options with the business/property owners involved before making a decision. It was tabled until next month.

Direction on Task Order No. 131216.14 Washington Street Improvements was tabled next month.

Mayor directed that drainage tubes under driveways are the responsibility of the property owner to maintain.

After reviewing section 6-325 of the municipal code, the mayor informed the public that sump pumps cannot drain into the sewer system.

Mayor Robinson introduced the following ordinances entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO FURTHER AMEND AND CORRECTLY RESTATE PORTIONS OF SECTION 4.12.12 OF THE FORT CALHOUN ZONING CHAPTER INTENDED TO AMMEND ACCESSORY BUILDINGS IN R-1, R-2, R-3, RM, C-2 AND C-3 DISTRICTS; TO REPEAL THE

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EXISTING PORTIONS OF SECTIONS, AS AMENDED, AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE FULLY EFFECTIVE.

Council Member Romans moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Schuler seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted "Aye": Romans, Schuler, and Prieksat. The motion to suspend the rules was adopted by three-fourths of the members elected to the City Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 710 was then read by title and Council Member Romans moved for its final passage, which motion was seconded by Council Member Prieksat. The Mayor stated the question "Shall Ordinance No. 710 be passed and adopted?" Upon roll call, the following voted "Aye": Schuler, Prieksat, and Romans.

The passage and adoption of said Ordinance having been concurred in by a majority of all the members of the 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.

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA AMENDING ARTICLE II – WATER DEPARTMENT, SECTION 6–211: WATER BILLS, ADDING AN EXCEPTION, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

Council Member Romans moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Schuler seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted "Aye": Prieksat, Romans, and Schuler. The motion to suspend the rules was adopted by three-fourths of the members elected to the City Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 711 was then read by title and Council Member Romans moved for its final passage, which motion was seconded by Council Member Magill. The Mayor stated the question "Shall Ordinance No. 711 be passed and adopted?" Upon roll call, the following voted "Aye": Romans, Schuler, and Prieksat.

The passage and adoption of said Ordinance having been concurred in by a majority of all the members of the 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.

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A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO FURTHER AMEND AND CORRECTLY RESTATE THAT PORTION OF SECTION 8-110 OF THE FORT CALHOUN MUNICIPAL CODE INTENDED TO IDENTIFY ALL OFFICIAL OPERATIVE BUILDING CODES OF THE MUNICIPALITY; TO REPEAL THE EXISTING PORTIONS OF SECTION 8-110, AS AMENDED, AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE FULLY EFFECTIVE

Member Romans moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Prieksat seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted "Aye": Prieksat, Romans, and Schuler. The motion to suspend the rules was adopted by three-fourths of the members elected to the City Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 712 was then read by title and Council Member Romans moved for its final passage, which motion was seconded by Council Member Schuler. The Mayor stated the question "Shall Ordinance No. 712 be passed and adopted?" Upon roll call, the following voted "Aye": Romans, Schuler, and Prieksat.

The passage and adoption of said Ordinance having been concurred in by a majority of all the members of the 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.

Mayor Robinson introduced **Resolution No. 2016 - 5**. Motion made by Member Romans and seconded by Member Schuler to approve the resolution. On roll call the following voted "Aye": Schuler, Prieksat, and Romans. The passage and adoption of said Resolution having been concurred by a majority of all members of the Council, the Mayor declared the Resolution adopted and the Mayor, 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 RESOLUTION OF THE CITY OF FORT CALHOUN ADOPTING THE

Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan

WHEREAS the governing body of the City of Fort Calhoun recognizes the threat that natural hazards pose to people and property within the City of Fort Calhoun; and

WHEREAS the Papio Missouri River Natural Resources District has prepared a multi-hazard, multi-jurisdictional hazard mitigation plan, hereby known as the 2016 Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

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WHEREAS the Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the City of Fort Calhoun from the impacts of future hazards and disasters; and

WHEREAS adoption by the governing body of the City of Fort Calhoun demonstrates their commitment to the mitigation of hazards and achieving the goals outlined in the 2016 Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan.

NOW, THEREFORE, the governing body of the City of Fort Calhoun, does herewith adopt the 2016 Papio Missouri River Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety;

PASSED AND APPROVED this 18<sup>TH</sup> day of JULY, 2016.

CITY OF FORT CALHOUN, NEBRASKA  
MITCH ROBINSON, MAYOR

ATTEST:  
ALICIA STEVENS, CITY CLERK

There was discussion regarding the sale of the city owned tax lot. The City Engineer presented three different options for selling/not selling the land and showed where the profit could be used for upcoming projects for the city. Clint Lewis, 703 N 13<sup>th</sup> St, questioned who was paying the taxes and asked if it could be green belted. He was informed that the city is paying the property taxes. Dave Genoways, 121 N 10<sup>th</sup> St, stated that since the city is receiving income on the land that it can't be green belted. Mark Welscher, 210 S 9<sup>th</sup> St, asked why the water fund carries \$162,000. Dave Genoways said it was unusual to sell an asset to pay for something else and that selling it right now would be giving up a lot of opportunities in the next few years such as tourism and economic development. He suggested rather than getting rid of the land that it would be a good idea to swap it with another piece of property. John Linton, 409 S. 16<sup>th</sup> St, discussed looking into the cost of an RV park and noted that the City of Blair only paid 25% of their RV park. He also suggested having a geotechnical survey done on the land. Lori Lammers, 120 N. 14<sup>th</sup> St, stated that mineral rights were not addressed in the appraisal. Bob Lammers, 120 N. 14<sup>th</sup> St, asked the council what the reasons were for selling the land and if they would sell it with or without mineral rights. Member Schuler stated that the land is currently zoned general industrial, not agricultural and for it to be green belted it would need to be zoned agriculture. Lori Lammers expressed that keeping the land would be the most financially beneficial option. The Mayor stated that with the projects in the strategic plan such as a splash pad, camp ground, and ball fields if the land is sold you can't get it back. Members Romans suggestion was to rezone to agriculture and sell the land to pay down the debt for the city. City Attorney stated that a resolution to sell the land would need to be presented at the next City Council meeting along with a closed session to discuss the particulars of the sale. Then the resolution would be published for three weeks and there would be a period of remonstrance for all the tax payers who voted in the last municipal election and if 30% vote against the sale, it would stop the process for year. Member Romans made a motion, seconded by Prieksat to sell the land. With Members Romans and Prieksat voting "Aye" and Member Schuler voting "Nay" the motion carried.

Representatives Jackie Jensen and Jill Shields of the Cherry Hills subdivision wanted to review their options for paving Cherry Hills. Council recommended starting with a petition to form a paving district.

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Public comments: Robert Anderson, 1570 Betts Circle, asked if agenda item 9.3. regarding Washington Street would be a public hearing. He was informed that it would be.

Member Schuler wanted to say thank you to the Welchert family and Aaron Schrum for all of their work so far on the gazebo.

Future Agenda Items: Mayor announced there will no longer be a consent agenda and we will be going back to having a regular agenda.

Following a motion by Member Romans, seconded by Member Prieksat and vote, Mayor Robinson declared the meeting adjourned at 9:40 p.m.

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Mitch Robinson, Mayor

ATTEST:

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Alicia Stevens, City Clerk