

## City of Fort Calhoun

June 20, 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, June 20<sup>th</sup>, 2016 in the City Council Chambers/Library at the City Hall 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: Randy Magill, Bob Prieksat, Dave Romans and Nick Schuler.

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

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

*(The consent agenda included: May 16, 2016 city council minutes; June 6, 2016 planning commission minutes; June 2, 2016 park board minutes; May 23, 2016 enhancement committee minutes; May 2016 treasurers report; May 2016 WCSO statistics and the maintenance report.)*

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

OPPD, 3472.95, utl; MUD, 84.00, utl; Papio M-R NRD, 5262.31, water; Abe's Trash, 1622.68, ser; Accurate Locksmiths INC, 196.00, ser; Affordable Const., 1500.00, ser; Am. Broadband, 590.12, utl; Am. Funds Group, 423.35, pen; D. Appel, 195.52, ser; Bomgaars, 351.94, sup; J. Boyd, 7.78, reimb; Boyle Hess & Elliott CPA's PC, 1140.00, ser; City of Blair, 6264.47, ser; Data Tech, 1279.29, trng; DXP Enterprises LLC, 269.60, ser; EMC Insurance Co, 201.00, ins; Federated Ins., 2651.84, hlth ins; Home Depot Credit Servies, 5.94, sup; JEO Consulting, 5504.00, ser; John Deere Financial, 195.52, sup; Jody Koziol (Maid/USA), 120.00, ser; NE Public Health Env Lab, 30.00, ser; Nebraska Sweeping, 27740.87, ser; New Frontier Ins Agency, 40.00, ins; One Call Concepts, 74.04, ser; PC Services, 220.00, ser; Postmaster, 139.06, sup; Quality Control, 60.00, ser; Sign Depot LLC, 115.95, sup; Sprint, 50.71, utl; Talbot & Truhlsen, 1645.00, ser; VISA (Two Rivers), 238.38, sup; Wash. County, 200.50, exp; June Payroll, 16889.43. With members Romans, Schuler, Magill and Prieksat voting "Aye", motion carried.

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Member Romans made a motion seconded by Magill to approve the quote of \$21,500 from Johnson Service Co for repairs on sewer manholes which will control the infiltration. With all members voting "Aye", the motion carried.

Maintenance presented the budgetary quote of \$139,845 for Cure in Place Liner for the sewer line in the creek which runs to the county road. The current pipe was installed in 1959 and has never had any improvements made to it. Mayor Robinson and Corban Helmandollar, Water Operator, suggested it be a future budgetary item.

Bruce Sill, Maintenance Supervisor, discussed the quote for budgeted street repair projects on 15<sup>th</sup> and Clark and 16<sup>th</sup> and Clay. Waiting on second bid, tabled until next month.

Ronee Christensen requested, via e-mail, to have geocaching in Fort Calhoun. There was discussion from residents at the meeting with their experience with geocaching. Terry Fitzgerald, 216 South 14<sup>th</sup> Street, suggested letting sheriff's office know placement of the "treasures" to avoid any issues. Member Romans made a motion seconded by Magill to approve the request as well as let the sheriff's office know the locations. With all members voting "Aye", motion carried.

Pam Daly made a request to close 12<sup>th</sup> St. between Monroe and Clay for Heritage Days vendors, October 1<sup>st</sup> and 2<sup>nd</sup>, 2016. Members recommended Daly contact the homeowners that live on the street that will be closed. Member Romans made a motion seconded by Magill to approve the request along with the recommendation of notifying the homeowners. With all members voting "Aye", motion carried.

Jason Weeks made a request to vacate Court Street between 8<sup>th</sup> and 9<sup>th</sup> Street. Weeks explained that the area he would like to have vacated is a ditch with dead trees and weeds. Member Prieksat made a motion seconded by Romans to approve the request. With members Romans, Schuler, and Prieksat voting "Aye" and Magill voting "Nay", motion carried.

Direction of the delinquent water accounts was discussed. Mayor Robinson appointed members Romans and Magill to work with the city clerk and city treasurer to come up with a new ordinance.

The city engineer, Lucas Billesbach, gave an update on the 2016 Water System Improvements. Meeting with NRD and maintenance on June 23<sup>rd</sup> at 2:00 p.m.

The city engineer asked for approval of task order No. 131216.13, which consists of flow monitoring, smoke testing, and investigation of infiltration/inflows within the sewer system. Mayor Robinson tabled until sewer manhole project is complete, to see if that resolves the issue.

Member Romans introduced **Resolution No. 2016 - 2** and moved for its passage and adoption. Motion seconded by Member Magill. On roll call the following voted "Aye": Romans, Schuler, Magill and Prieksat. 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:

WHEREAS, local municipal government, county government, and regional economic development entities must provide leadership and coordination for economic development efforts; and

WHEREAS, economic development needs can best be solved through a cooperative effort between local, county, regional and state economic development organizations and entities; and

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WHEREAS, there is a need to recognize and promote our community's organizational readiness, infrastructure investment, ability to respond to business needs, and

WHEREAS, the Nebraska Department of Economic Development's Leadership Community Certification has been reviewed and found to be a program promoting our community's economic development preparedness;

THEREFORE, the city council of the City of Fort Calhoun does herewith pledge their full support, endorsement, and cooperation for participation in the Nebraska Department of Economic Development's Leadership Certified Community Program by the City of Fort Calhoun, Nebraska.

APPROVED AND ADOPTED THIS 20<sup>th</sup> DAY OF JUNE, 2016

CITY OF FORT CALHOUN, NEBRASKA  
MITCH ROBINSON, MAYOR

ATTEST:  
KATIE KNIGHT, TREASURER

Member Prieksat introduced **Resolution No. 2016 - 3** and moved for its passage and adoption. Motion seconded by Member Romans. On roll call the following voted "Aye": Prieksat, Romans, Schuler and Magill. 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:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, AS FOLLOWS:

The City of Fort Calhoun, as of June 20, 2016 designates Two Rivers Bank as the City's depository bank for all funds.

The City of Fort Calhoun approves the opening of the following accounts and designates the signatories associated with each account according to the following list:

General Checking Account	Mitch Robinson, Deb Sutherland, Alicia Stevens, Katie Knight
Money Market Reserve Account	Mitch Robinson, Alicia Stevens, Katie Knight
Bond Account	Mitch Robinson, Alicia Stevens, Katie Knight
Lottery Account	Mitch Robinson, Alicia Stevens, Katie Knight
Sewer Department Reserve Account	Mitch Robinson, Alicia Stevens, Katie Knight
Lottery Trust Investment Account(s)	Mitch Robinson, Alicia Stevens, Katie Knight

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The City of Fort Calhoun approves Deposit Securitization by but not limited to:

- Municipal DDA Pool/Investment Pool
- Promontory Network investment options, both the ICS and/or CEDARS programs
- FHLB Letter of Credit
- One to One security pledging

Mitch Robinson, Alicia Stevens and Katie Knight are authorized to execute any and all necessary agreements or paper work to set these up on an as needed basis and to transfer monies from the bank accounts to the investments and back again as circumstances dictate.

PASSED AND APPROVED this 20th day of JUNE 2016

CITY OF FORT CALHOUN, NEBRASKA  
Mitch Robinson, Mayor

ATTEST:

Deb Sutherland -Community Coordinator

Member Prieksat introduced **Resolution No. 2016 - 4** and moved for its passage and adoption. Motion seconded by Member Schuler. On roll call the following voted "Aye": Magill, Prieksat, Romans and Schuler. 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:

WHEREAS, the city of Fort Calhoun intends to use the state highway system for a parade route for the annual Washington County Heritage Days even on Saturday, October 1, 2016 from 10:00 to 11:00 AM., starting at 14<sup>th</sup> Street (Highway 75) and Adams Street and ending at 14<sup>th</sup> Street and Court Street, about 2 city blocks, by diverting north bound traffic off of 14<sup>th</sup> Street at 14<sup>th</sup> and Madison, west to 15<sup>th</sup> Street, north to Clay Street, and east back to 14<sup>th</sup> Street and by diverting south bound traffic off of 14<sup>th</sup> Street at 14<sup>th</sup> and Clay Street, west to 15<sup>th</sup> Street, south to Madison Street, and back east to 14<sup>th</sup> Street with full traffic assistance from the Washington County Sheriff's Department and all required barriers and signage.

WHEREAS, closure of the 14<sup>th</sup> Street (HWY 75) roadway between Adams and Court Streets is necessary to relieve the through traffic from the area in the City of Fort Calhoun, Nebraska, on or near the Heritage Days parade route, and provide a safe event for participants and spectators, and;

WHEREAS, the US-75 roadway from Adams to Court Streets is part of the state highway system and is located within the official corporate limits or zoning jurisdiction of the City of Fort Calhoun, and;

WHEREAS, the City of Fort Calhoun, while making use of the state highway system for a special event, shall have the legal duty to protect the highway property from an damage that may occur arising out of the special event and the state shall not have any such duty during the time the

City of Fort Calhoun

City of Fort Calhoun is in control of the property as specified in the notice provided pursuant to LB 589/N.R.S §39-1359, and;

WHEREAS, and existing statutory or common law duty of the state to protect the public from damage, injury, or death shall become the duty of the City of Fort Calhoun while making use of the state highway system for a special event and the state shall not have any such statutory or common law duty during the time the City of Fort Calhoun is in control of the property as specified in the notice provided pursuant to LB 589/N.R.S §39-1359, and;

WHEREAS, pursuant to LB 589/N.R.S §39-1359, thirty (30) days advance written notice of the special event must be provided which specifies the date and time City of Fort Calhoun will assume control of the identified state highway property, as well as the date and time the City of Fort Calhoun will relinquish control of such state highway property to the State of Nebraska. In addition, the City of Fort Calhoun shall provide beginning and ending locations for the highway closure including sufficient area for the placement of advance warning and/or detour signing, and include sufficient time for the City of Fort Calhoun to prepare and later clean the property prior to retuning possession back to the State of Nebraska, and;

WHEREAS, LB 589/N.R.S §39-1359 dictates that if a special event includes any portion of the State of Nebraska highway System, the City of Fort Calhoun shall, if a claim is made against the State of Nebraska, indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event; and

NOW, THEREFORE, BE IT RESOLVED that said Community Event known as the Washington County Heritage Days and Road Closures referred to hereinabove is hereby adopted. That the governing body of the City of Fort Calhoun acknowledges and accepts all duties set out in LB 589/N.R.S §39-1359, subsection (2) and accepts that the City of Fort Calhoun shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability including reasonable attorney's fees, that may arise as a result of the event and Parade Route and Road Closure is accepted by the City of Fort Calhoun and the Mayor and City Clerk are hereby authorized and directed to execute same on behalf of the municipality.

THE MAYOR DECLARED THE FORGOING RESOLUTION PASSED AND ADOPTED THE 20<sup>TH</sup> DAY OF JUNE, 2016.

CITY OF FORT CALHOUN, NEBRASKA  
MITCH ROBINSON, MAYOR

ATTEST:  
ALICIA STEVENS, CITY CLERK

Adopting the NRD Multi-Jurisdictional Hazard Mitigation Plan **Resolution No. 2016 – 5**. Mayor requested more time to look over agreement. Tabled until next month.

The Mobile Home Storage Building on 11<sup>th</sup> and Madison was discussed. The building is in a mobile home-residential zoning district, but is being used to store commercial construction equipment. There is

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currently no occupancy permit for the building and that the final inspection is to be done in July. City attorney will be notifying the owners of the zoning violation.

There was discussion of how to control the use of the City Tree Dump. People have been using the tree dump to dispose of tires. Maintenance has put up signs stating that it is to be used by city residents only.

The appraisal on tax lot 27 was reviewed. The city property is 77.5 acres and was bought in 2006 for \$203,566.64. The city has made \$62,892.70 since the purchase of the land. It was appraised at \$530,000 for 76 acres, or \$6,974 per acre. Member Prieksat stated that he thought the appraisal was a little high. Member Schuler questioned why the city would sell a piece of property that they are making money off of. Member Romans pointed out that it could help pay for the new water connection. Lori Lammers, 120 North 14<sup>th</sup> Street, suggested that there is a possibility of the land being quarry and recommended researching that before selling it as farm ground, as the city could retain mineral rights. Mark Welsher, 210 South 9<sup>th</sup> Street, agreed with member Prieksat that the appraisal seemed high and questioned what improvements have been made to the land since it was purchased. Rich Johnson, 220 North 15<sup>th</sup> Street, mentioned an interest for Fort Atkinson to expand their tourism into that property. Member Schuler expressed concern for losing this land as it is an asset to the city. Lori Lammers brought up the suggestion from Lisa Scheve of Gateway Development to purchase other property for expansion and development within the community, if the city were to sell the land. Mark Welsher pointed out that the current strategic plan says that growing tourism is a top priority. Sue Newman, 1620 Monroe Street, asked what the big rush was to sell. The Mayor said that it has been a topic for years. Member Schuler said that the Park Board, Nebraska Game and Park, and local residents speak of how the land is adjacent the Fort, which is the city's greatest piece of tourism. Member Romans made a motion, seconded by Magill to sell the property. Members Magill, Prieksat, and Schuler voted "Aye". Member Schuler voted "Nay". The motion carried.

Mayor Robinson reviewed the new Social Media Policy for City Employees. Member Magill made a motion seconded by Prieksat to approve the new policy. With all members voting "Aye", motion carried.

Member Prieksat made a motion seconded by Member Magill to confirm Mayor Robinson's appointment of Paul Oestmann, 303 N 10<sup>th</sup> Ave, and Mike Robinson, 1204 Madison, as new members of the NRD Board. With members Prieksat, Romans, Schuler and Magill voting "Aye", motion carried.

Member Magill made a motion seconded by Member Romans to confirm Mayor Robinson's appointment of Ronee Christensen, 5535 Daylilly Ln, as a new member of the Park Board. With members Romans, Schuler, Magill and Prieksat voting "Aye", motion carried.

Public Comments: Clint Lewis, 703 North 13<sup>th</sup> Street, had a question on the responsibility of cleaning drainage tubes under driveways; Mayor sends his condolences for the Japp family; Acknowledgment of Deb Sutherland by the Mayor for all of her hard work and dedication to the city over the last few months; The Mayor announced new City Hall hours, 7:30 am-5:00 pm.

Member Prieksat made a motion seconded by Member Magill to go into closed session, necessary for the protection of the public interest; to present a proposal by the city engineer for the Maintenance Building memorandum. With members Magill, Prieksat, Romans and Schuler 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, necessary for the protection of the public interest; to present a proposal by the city engineer for the Maintenance Building memorandum, declared the meeting in closed session at 8:29 p.m., allowing the city clerk, the city treasurer, the community coordinator and the city's attorneys to sit in.

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Following a motion by Member Magill, second by Member Prieksat and vote, Mayor Robinson declared the meeting in open session at 9:06 p.m.

Public comments: Cindy Gochenaur, 704 North 13<sup>th</sup> Street, asked a question regarding the look of the new maintenance building. Mayor Robinson said it would be conducive to what they currently have at the Welchert/Knight development. Clint Lewis questioned whose responsibility it was for improvements if we ever opened the rest of Lincoln Street. The Mayor said he will look into what the agreement is and that the city will abide by that.

Following a motion by Member Magill, seconded by Member Romans and vote, Mayor Robinson declared the meeting adjourned at 9:10 p.m.

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Mitch Robinson, Mayor

ATTEST:

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Alicia Stevens, City Clerk