

November 21, 2016  
CITY COUNCIL MEETING

A regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:02 o'clock p.m., on Monday, November 21, 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.

Notice of this meeting was also given to the Mayor and all Council Members. Availability of the agenda was communicated in the 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 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: Nick Schuler, Bob Prieksat and Dave Romans. Member Magill was absent.

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

Member Romans made a motion seconded by Member Prieksat to approve the October 17, 2016 minutes as presented. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

Member Romans made a motion seconded by Member Schuler to accept the Treasurer's Report as presented. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

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

OPPD, 3060.00, utl; MUD, 92.23, utl; Papio M-R NRD, 5769.22, water; Abe's Trash, 99.49, ser; Am. Broadband, 587.73, utl; Bomgaars, 57.85, sup; City of Blair, 6794.84, ser; Conoco Fleet, 257.18, sup; Cornhusker Press, 63.45, tags; Curt Scott, 3850.00, ser; Data Technologies Inc, 639.77, training; Enterprise Pub, 744.66, ser; Federated Ins., 2946.05, hlth ins; Dana Duros, 467.00, ser; IIMC, 125.00, membership; JEO Consulting, 10382.25, ser; John Deere Financial, 17.04, ser; Judy Boyd, 72.58, reimb; Lorraine Lammers, 92.22, reimb; Loveland Grasspad, 263.70, sup; Martin Marietta Materials, 204.60, sup; Micheal Todd & Co, ser, 652.06; NE Public Health Env Lab, 30.00, test; One Call Concepts, 45.18, ser; Postmaster, 131.58, ser; Quill Corporation, 221.72, sup; Shaw Hull & Nav, 338.00, ser; SolutionOne, 147.43, ser; Sprint, 49.07, utl; Talbot & Truhlsen Law Offices, 1400.00, ser; VISA(Two Rivers), 348.19, sup; Wash. Co. Sheriff, 5426.57, exp; Washington Co Reg of Deeds, 16.00, filing;

With members Romans, Schuler and Prieksat voting "Aye", motion carried.

The Washington County Sheriff's Office statistics for September 2016 were accepted unanimously.

Member Prieksat made a motion seconded Member Schuler to approve the 2016-2018 Washington County Law Enforcement Services Contract. With members Prieksat, Romans, and Schuler voting Aye, the motion carried.

Member Romans made a motion seconded by Member Prieksat to approve the Lease Agreement for the 2016 Chevrolet Tahoe. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

Member Romans made a motion seconded by Member Schuler to accept the October 24, 2016 Enhancement Committee minutes as presented. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

Member Romans made a motion seconded by Member Schuler to accept the October 18, 2016 Christmas in Calhoun minutes as presented. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

The maintenance report was placed on file.

At 7:14 p.m., Mayor Robinson 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 Creation of Street Improvement District No. 2016-1 and Creation of Street Improvement District No. 2016-2. Steven Meinhold, 613 Sunset Dr, and David Cronemiller, 610 Sunset Dr, turned in written objections in regards to District No. 2016-2. The two written objections did not meet the frontage requirements. With no other written comments from the public, Mayor Robinson closed the public hearing at 7:18 p.m.

At 7:18 p.m., Mayor Robinson 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 Amendment of the Future Land Use Plan of the City of Fort Calhoun Comprehensive Plan. The Plan Amendment includes amending portions of Single Family Residential Land Use to Rural Residential Land Use. With no other comments from the public, Mayor Robinson closed the public hearing at 7:20 p.m.

At 7:20 p.m., Mayor Robinson 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 Amendment of Article 5 of The Fort Calhoun Zoning Ordinance to add a Rural Residential Zoning District and Corresponding Regulations. With no other comments from the public, Mayor Robinson closed the public hearing at 7:21 p.m.

At 7:21 p.m., Mayor Robinson 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 Amendment of The Official Zoning Map of The City of Fort Calhoun to Amend the Zoning Regulations of Areas of TA-1 Transitional Agriculture to RR Rural Residential. With no other comments from the public, Mayor Robinson closed the public hearing at 7:21 p.m.

At 7:21 p.m., Mayor Robinson 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 Amendment of the Official Zoning Map of the City of Fort Calhoun to Amend the Zoning Regulations of Areas of R-1 Single-Family Residential to RR Rural Residential. With no other comments from the public, Mayor Robinson closed the public hearing at 7:22 p.m.

At 7:22 p.m., Mayor Robinson 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 Amendment of The Adopted Subdivision Regulations of the City of Fort Calhoun to Amend Section 5.25 Schedule A:

Minimum Street Standards to Create a New Roadway Design Standard, Section 6.03.02 to Provide Exemptions Of Curb And Gutter Requirements on Rural Residential Roads, and Section 6.06 to Amend Drainage Standards for New Subdivisions. Kevin, with JEO, gave a presentation on the Rural Residential Amendment, regarding the five public hearings. There was discussion on three-quarter acre vs two acre lots in regards to having city water and sewer or well and septic. With no other comments from the public, Mayor Robinson closed the public hearing at 7:35 p.m.

Member Romans made a motion seconded by Member Schuler to approve the Christmas in Calhoun Fun Run organizers to temporarily close the streets for the 1.01 and 3.14 miles runs starting at 10:00 AM Saturday, December 10<sup>th</sup>, 2016. Various locations including 13<sup>th</sup>, 12<sup>th</sup>, 11<sup>th</sup>, 7<sup>th</sup>, Madison, Monroe, and Court Streets will be closed. Member Romans asked how long the streets would be closed. It was noted streets would only be closed for an hour and that residents would still be able to get in and out of their driveways. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

Approval of JEO Task Order 131216.14 for the design of Washington Street Improvements from 14<sup>th</sup> Street to 12<sup>th</sup> Street was tabled until the end of the meeting.

Approval of JEO Task Order 131216.14 for the design of Cherry Hills Improvements was also tabled until the end of the meeting.

The City Engineer gave an update on the City Maintenance Building. Bruce had some suggestions and plans to meet with Lucas to go over them.

The City Engineer gave an update on the West Market Square Park Improvements. Lucas stated that they will start receiving bids for the project on December 7<sup>th</sup>.

The City Engineer gave an update on the 2016 Water System Improvements. Lucas stated that they will start receiving bids for the project on December 7<sup>th</sup>.

Member Magill introduced Resolution No. 2016–12 and moved for its passage and adoption. Motion seconded by Member Prieksat. On roll call the following voted "Aye": Prieksat, Romans, Schuler and Magill. The passage and adoption of said Resolution having been concurred by most 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:

ACCEPTING STREET IMPROVEMENT DISTRICT NO. 2016-1 (WASHINGTON ST) AND DISTRICT NO. 2016-2 (CHERRY HILLS).

The Mayor and City Council of the City of Fort Calhoun, Nebraska, hereby find and determine as follows:

1. The Mayor and City Council heretofore adopted Ordinance No. 713 creating Street Improvement District No. 2016-1, which ordinance was published in pamphlet form as provided by law on August 16, 2016, and adopted Ordinance No. 714 creating Street Improvement District No. 2016-2, which ordinance was published in pamphlet form as provided by law on August 16, 2016.
2. Notice of Creation of said Street Improvement District No. 2016-1 and Notice of Creation of Street Improvement District No. 2016-2 was given as provided by law by publication on November 1, 2016, November 8, 2016 and November 15, 2016, and notice was mailed to any non-resident owners as provided by law.

3. That objections were filed objecting to creation of Street Improvement District No. 2016-1 and Street Improvement District No. 2016-2 as follows:

Written objections representing 0 front feet of abutting property were filed within 20 days of the first publication of the notice of creation of Street Improvement District No. 2016-1. That said Street Improvement District No. 2016-1 contains a total of 1304 front feet of abutting property on the street proposed to be improved, and that the written objections representing 0 front feet of abutting property do not constitute a majority of the total front footage abutting the street to be improved and the Mayor and Council shall proceed with the construction of improvements in said Street Improvement District No. 2016-1

Written objections representing 97.01 front feet of abutting property were filed within 20 days of the first publication of the notice of creation of Street Improvement District No. 2016-2. That said Street Improvement District No. 2016-2 contains a total of 4194.23 front feet of abutting property on the streets to be improved, and that the written objections representing 97.01 front feet of abutting property do not constitute a majority of the total front footage abutting the streets to be improved and the Mayor and Council shall proceed with the construction of improvements in said Street Improvement District No. 2016-2.

CITY OF FORT CALHOUN, NEBRASKA  
MITCH ROBINSON, MAYOR

ATTEST:  
Alicia Stevens, City Clerk

Mayor Robinson introduced the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND THE CITY'S FUTURE LAND USE MAP TO INCLUDE A RURAL RESIDENTIAL (RR) DISTRICT APPLICATION WITHIN THE LIMITS OF THE CITY AND ITS EXTRATERRITORIAL ZONING JURISDICTION; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

Member Romans moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Schuler seconded the motion to suspend the rules and upon roll call vote, the following 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. 716** was then read by title and Member Romans moved for its final passage, which motion was seconded by Member Schuler. The Mayor stated the question "Shall Ordinance No. 716 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 the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND THE CITY'S ZONING ORDINANCE AND REGULATIONS TO INCLUDE A RURAL RESIDENTIAL (RR) DISTRICT APPLICATION WITHIN THE LIMITS OF THE CITY AND ITS

EXTRATERRITORIAL ZONING JURISDICTION; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

Member Romans moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Schuler seconded the motion to suspend the rules and upon roll call vote, the following 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. 717** was then read by title and Member Romans moved for its final passage, which motion was seconded by Member Schuler. The Mayor stated the question "Shall Ordinance No. 717 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.

Mayor Robinson introduced the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND THE CITY'S ZONING MAP TO INCLUDE A RURAL RESIDENTIAL (RR) DISTRICT APPLICATION WITHIN THE LIMITS OF THE CITY AND ITS EXTRATERRITORIAL ZONING JURISDICTION; TO CONVERT AREAS OF TRANSITIONAL AGRICULTURE (TA-1) DISTRICT AND SINGLE-FAMILY (R-1) DISTRICT TO RURAL RESIDENTIAL (RR) DISTRICT; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

Member Romans moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Schuler seconded the motion to suspend the rules and upon roll call vote, the following 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. 718** was then read by title and Member Romans moved for its final passage, which motion was seconded by Member Schuler. The Mayor stated the question "Shall Ordinance No. 718 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.

Mayor Robinson introduced the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND THE CITY'S SUBDIVISION ORDINANCE AND REGULATIONS TO INCLUDE A RURAL RESIDENTIAL (RR) DISTRICT APPLICATION WITHIN THE LIMITS OF THE CITY AND ITS EXTRATERRITORIAL ZONING JURISDICION; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

Member Prieksat moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Romans seconded the motion to suspend the rules and upon roll call vote, the following Members voted "Aye": Schuler, Prieksat and Romans. 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. 719** was then read by title and Member Romans moved for its final passage subject to the following amendments:

1. From: 6.03.02, to: 6.03.03
2. From: "All pavements shall be a minimum of 6" or such thickness as recommended by a professional engineer based on the use and proposed traffic of the road. The City Engineer shall review such recommendation and provide approval." To: "The City Engineer shall provide a recommended thickness for approval.

The motion was seconded by Member Prieksat. The Mayor stated the question "Shall Ordinance No. 719 be passed and adopted?" Upon roll call, the following voted "Aye": Prieksat, Romans and Schuler.

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.

The City Engineer requested approval of JEO Task Order 131216.14 for the design of Washington Street Improvements from 14<sup>th</sup> Street to 12<sup>th</sup> Street. Lucas explained the process of the project. Plans will be ready within 60 days and bids will be late winter/early spring. Larry McKenna, AJR Enterprises, asked if they were just looking into doing concrete. Lucas stated due to the industrial zoning regulations, it can only be concrete. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

Member Prieksat made a motion seconded by Member Romans to approve JEO Task Order 131216.14 for the design of Cherry Hills Paving Improvements.

Public comments: Mayor Robinson stated that there would be a special meeting on Wednesday November 23<sup>rd</sup>, 2016 to approve the Sales and use Tax Ordinance. He also announced that MAPA will be having meeting on the Open Meetings Act on December 13<sup>th</sup>, 2016.

Mayor Robinson declared the meeting adjourned at 8:36 P.M.

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Mitch Robinson, Mayor

ATTEST:

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Alicia Stevens, City Clerk