

October 17, 2016

A regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:06 o'clock p.m., on Monday, October 17th, 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, Randy Magill, Bob Prieksat and Dave Romans.

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

Member Romans made a motion seconded by Member Magill to approve the September 19, 2016 minutes as presented. With members Romans, Schuler, Magill and Prieksat voting "Aye", motion carried.

Member Romans made a motion seconded by Member Magill to approve the September 28, 2016 *Special Meeting* minutes as presented. With members Prieksat, Romans, Schuler and Magill voting "Aye", motion carried.

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

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

OPPD, 3346.13, utl; MUD, 84.00, utl; Papio M-R NRD, 6525.01, water; Abe's Trash, 98.93, ser; Am. Broadband, 586.39, utl; Andy's Mow Town, 326.42, sup; Bomgaars, 97.06, sup; City of Blair, 5986.72, ser; Clint Scott, 2220.00, ser; Conoco Fleet, 363.50, sup; Cummins Central Power LLC, 1028.18, ser; Electric Pump Inc, 961.80, sup; Enterprise Pub, 300.80, ser; Federated Ins., 2946.05, hlth ins; Gateway

Development Corp, 2800.00, membership; HD Supply, 854.42, ser; Internal Revenue Service, 19.66, fee; JEO Consulting, 4550.75, ser; Jerry Phipps, 518.38, sup; Liberty Mutual, 800.00, fee; Loveland Grasspad, 951.20, ser; Jody Koziol (Maid/USA), 120.00, ser; NE Public Health Env Lab, 500.00, test; NE Sales Tax, 2922.81, tax; Omaha Tree, 59.00, ser; One Call Concepts, 79.98, ser; Christian Nelson, 125.00, ser; Postmaster, 131.58, ser; Kamb & C Enterprises, 60.00, ser; Quill Corporation, 146.89, sup; Regal, 300.95, uniforms, SolutionOne, 142.86, ser; Sprint, 48.71, utl; Strategic Insights, 499.50, fee; Talbot & Truhlsen Law Offices, 801.20, ser; USDA Rural Development, 180,587.00; VISA(Two Rivers), 1260.25, sup; Wash. Co. Sheriff, 5426.57, exp; Washington Co Reg of Deeds, 20.00, filing;

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

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

Member Romans made a motion seconded by Member Magill to accept the September 26, 2016 Enhancement Committee minutes as presented. With members Prieksat, Romans, Schuler and Magill voting "Aye", motion carried.

Member Romans made a motion seconded by Member Schuler to accept the September 20, 2016 Christmas in Calhoun minutes as presented. Vice President, Lori Lammers stated that planning was going along nicely and they would like to see more people at the meetings. With members Magill, Prieksat, Romans and Schuler voting "Aye", motion carried.

The maintenance report was placed on file. Bruce reported the manhole company is on schedule and are addressing safety issues when found.

Maintenance requested approval of annual manhole rehabilitation bid for \$20,975, which was budgeted for this year. Member Romans made a motion seconded by Magill to approve the bid. With members Schuler, Magill, Prieksat and Romans voting "Aye", the motion carried.

At 7:12 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 2016 Water System Improvements, as required for the State Revolving Loan Funding. The City Engineer stated that it is a connection from what was the Washington County Rural Water System #2 to the City of Fort Calhoun. It will extend from Rocky Lane and into town just east of the cemetery, on Clay St. Overall SRF application cost of \$643,800 with a contingency of \$19,200, so total construction and additional engineering would be \$624,600. We are requesting SRF funding to pay for a portion of the maintenance building to support the water system infrastructure use of the building. The building portion being requested is a 35% share of the building and is estimated at \$234,500 with engineering fees on top of building cost of \$10,500. The cost of water system improvements estimated at \$401,000. The city would be borrowing from SRF fund at an interest rate of 3% over 20 years, equaling an annual payment of just under \$27,000. Lucas stated they are anticipating retired debt, as well as changes in the fee structure to the NRD. The maintenance building portion would equate to \$16,500 annually, with an interest rate of 3% over 20 years with no anticipated rate impact. Larry Kusek, 6279 N Ridge Rd., asked if there would be

any impact on District No. 2 customers. Mayor Robinson stated that he did not foresee any impact. With no other comments from the public, Mayor Robinson closed the public hearing at 7:18 p.m.

City Engineer, Lucas Billesbach, requested approval of the Floodplain Development Permit No. 2016-1 for the 2016 West Market Square Park Improvements. He stated that they had to do some regrading to meet requirements of the floodplain permit. Per floodplain ordinance, cannot carry any fill within a designated floodplain. West Market Park is a designated floodplain zone AE and cannot create fill that would cause any greater impact of one foot of rise or more. Member Romans made a motion seconded by Member Magill to approve the permit. With members Prieksat, Romans and Schuler voting "Aye", motion carried.

Member Magill made a motion seconded by Member Prieksat to approve plans and specifications for the 2016 West Market Square Park Improvements as requested by the City Engineer. He noted that installation of drain tile was added to the plans. The project is expected to start March 1st and end in September. With Members Schuler, Prieksat and Romans voting "Aye", the motion carried.

The City Engineer requested the council authorize JEO Consulting Group and the City Clerk to establish a bid opening date and to begin advertising for the 2016 West Market Square Park Improvements. Member Romans made a motion seconded by Member Magill to approve the request. With members Magill, Prieksat, Romans and Schuler voting "Aye", the motion carried.

Member Romans made a motion seconded by Member Prieksat to approve Pay Application No. 1 and Final from Neuvirth Construction in the amount of \$20,578.08 for the Pioneer Drive Improvements as presented by the City Engineer. He stated that work is completed and seeded. With Members Schuler, Magill, Prieksat and Romans voting "Aye", the motion carried.

The City Engineer requested the council authorize JEO Consulting Group and the City Clerk to establish a bid opening date and to begin advertising for the 2016 Water System Improvements. Member Magill made a motion seconded by Member Schuler to approve the request. With members Romans, Schuler, Magill and Prieksat voting "Aye", the motion carried.

Member Schuler made a motion seconded by Member Prieksat to approve the JEO Task Order No. 131216.16 for the Sanitary Sewer Rehabilitation Improvements as presented by the City Engineer. He stated that work is completed and seeded. With Members Prieksat, Romans, Schuler, and Magill voting "Aye", the motion carried.

The City Engineer gave an update on zoning, subdivision regulations, and ordinance amendments. There was discussion on some items to reconsider with the new zoning district.

The City Engineer gave a presentation of conceptual design and preliminary opinion of the probable cost for Monroe Street West of 16th. He explained the different obstacles there would be with the location, including the driveway impact, the steep slopes on the north and south end, and having to add in a cul-de-sac as it is a dead-end road.

The council reviewed the survey of tax lot 27, splitting it into two parcels.

It was noted that Resolution 2011-01 regarding Gateway Development Corporation having Right of First Refusal to Purchase Real Estate for the city owned 77.5 acres (tax lot 27) is expired.

Discussion and vote on details of tax lot 27 to include method of sale. Member Magill made a motion to sell the 63.44 acres and keep the 15.74 acres by auctioning the land and to have the minimum bid to be \$5,000 per acre, seconded by Romans. Deb Sutherland then pointed out the appraisal completed in June 2016 that the land was appraised at \$6,974 per acre. Lori Lammers, 120 N 14th, questioned why council would sell it at a lower price than the appraised value. Mark Welsher, 1623 Clay St, stated that the agenda was not posted until Monday morning and that more people would be in attendance if it had been posted earlier. He also pointed out that it looks bad when a lot of the residents do not agree with the council's decision to sell Tax Lot 27 and it was on this agenda. Nick Schuler asked the City attorney how the remonstrance petition process works, Edmond Talbot then explained the process. David Genoways, 121 N 10th, believes that the council is giving away the city's asset and that it's not for the best interest of the residents. Magill then amended his motion to sell at a minimum bid of \$6,000 per acre, motion failed due to lack of second. Magill then amended his motion to sell at a minimum bid of \$5,500 per acre, seconded by Romans. With member Schuler voting "Nay" and members Prieksat, Magill and Romans voting "Aye", the motion carried.

Member Romans made a motion seconded by Member Magill to correct the minutes of the August 15, 2016 Council Meeting, Amending the creation of Washington St. and Cherry Hills paving districts to include "asphalt or concrete paving". With members Romans, Schuler, Magill and Prieksat voting "Aye", the motion carried.

Member Magill introduced Resolution No. 2016-10 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:

A RESOLUTION AMENDING THE FORM OF NOTICE OF CREATION OF STREET IMPROVEMENT DISTRICT NO. 2016-1 AND THE FORM OF NOTICE OF CREATION OF STREET IMPROVEMENT DISTRICT NO. 2016-2, SETTING AND ESTABLISHING A NEW HEARING DATE FOR THE HEARING ON OBJECTIONS, AND DIRECTING PUBLICATION OF NOTICE OF CREATION AS PROVIDED BY LAW.

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

Section 1. At the meeting of the Mayor and City Council held August 15, 2016, Ordinance No. 713 was passed and adopted creating Street Improvement District No. 2016-1 and Ordinance No. 714 was passed and adopted creating Street Improvement District No. 2016-2.

Section 2. The form of Notice of Creation of Street Improvement District No. 2016-1 and the form of Notice of Creation of Street Improvement District No. 2016-2 were each approved, a hearing date of October 17, 2016 was set for each of said Districts and Notice of Creation of each of said Districts was directed to be published on September 27, October 4, and October 11, 2016.

Section 3. The scheduled publication dates inadvertently missed being made resulting in a necessity to delay the scheduled planned October 17, 2016 date established for the hearing on objections, if any, to the creation of said District Nos. 2016-1 and 2016-2.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council as follows:

Section 4. The amended forms of notice of hearing on the Creation of Street Improvement District No. 2016-1 and of the notice of hearing on the Creation of Street Improvement District No. 2016-2 are approved in the forms attached to this Resolution; the date of hearing is rescheduled to be held at 7:00 p.m. on November 21, 2016; and the City Clerk is authorized and directed to publish said notices of hearing on the dates of November 1, 2016, November 8, 2016 and November 15, 2016.

PASSED AND APPROVED this 17th day of October 2016.

CITY OF FORT CALHOUN, NEBRASKA
MITCH ROBINSON, MAYOR

ATTEST:

Alicia Stevens, City Clerk

The consideration of the 2017 Farm Lease Agreement by C.E.M. Shaner Farms LLC was tabled.

Request for approval of City Inspector to send letter to 106 S. 14th St. to inspect the building, inside and out. Member Romans made a motion, seconded by Magill. With all members voting "Aye" motioned carried.

Mayor stated open burn dates are October 22-November 13, burn permits are required and can be obtained at the Fire Hall on Wednesday evenings from 6:30-8 pm.

Public comments: Ritch Nelson, 1545 Betts Cir, gave an update on the local option sales tax committee. Larry McKenna of AJR Enterprises asked if the quarry is in the city limits and if it could be annexed. Mark Welsher, 1623 Clay St, asked about the city council candidates receiving the packets prior to the meeting.

Member Romans made a motion seconded by Member Magill to go into closed session, necessary for the protection of the public interest; to have a discussion of needed easements for the 2016 Water System Improvements. With members Romans, Schuler, Magill and Prieksat 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 conduct a discussion of needed easements for the 2016 Water System Improvements, declared the meeting in closed session at 8:37 p.m.

Following a motion by Member Magill, second by Member Romans and vote, Mayor Robinson declared the meeting in open session at 9:12 p.m.

Member Romans made a motion seconded by Member Magill to authorize the city attorney and city council to comply and negotiate with landowners regarding easements for water lines. With members Romans, Schuler, Magill and Prieksat voting "Aye", motion passed

Mayor Robinson declared the meeting adjourned at 9:15 p.m.

Mitch Robinson, Mayor

ATTEST:

Alicia Stevens, City Clerk