

City of Fort Calhoun

March 16, 2015

The 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, March 16, 2015 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 Magill made a motion seconded by Member Romans to approve the February 16 and March 5, 2015 minutes as presented. With members Romans, Schuler, Magill and Prieksat voting "Aye", motion carried.

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

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

OPPD, 2,993.95, utl; MUD, 320.92, utl; Papio M-R NRD, 5,037.22, water; Abe's Trash, 41.56, ser; Am. Broadband, 506.57, utl; Bomgaars, 311.13, sup; Brodkey, Peebles, Belmont, 650.00, ser; Chase Bank/DTCC, 7,823.54, bond int; City of Blair, 2,277.84, ser; Conoco Fleet, 617.57, fuel; Enterprise Publishing, 632.19, pub; Federated Ins., 2,694.09, hlth ins; Great Plains Communications, 14.95, ser; JEO Consulting, 2,235.00, ser; Maid/USA, 120.00, ser; NE Dept.

Rev., 1,984.23, sales tax; NE Pub Health, 252.00, test; NMC Exchange, 358.75, rpr; One Call Concepts, 19.20, ser; PCS, 116.00, ser; Quill, 131.92, sup; Sensus, 1,784.47, fees; S. E. Smith, 11.99, sup; SolutionOne, 83.98, sup; Sprint, 48.48, ser; Talbot/Truhlsen, 1,032.50, ser; VISA (Two Rivers), 419.63, postage, signs, sup; Wash. Co. Sheriff, 5,428.86, contract; Wash. Co. Reg. Deeds, 10.00, fee; Two River's HSA's (Benefits) 10,000.00; February Payroll, 14,171.32. With members Magill, Prieksat, Romans and Schuler voting "Aye", motion carried.

The Washington County Sheriff's Office statistics for February 2015 were accepted unanimously.

Member Magill made a motion seconded by Member Romans to accept the March 2, 2015 Planning Commission minutes as presented. With members Romans, Schuler, Magill and Prieksat voting "Aye", motion carried.

Member Magill made a motion seconded by Member Romans to accept the February 23, 2015 Enhancement Committee minutes as presented. With members Schuler, Magill, Prieksat and Romans voting "Aye", motion carried.

The March 10, 2015 Christmas in Calhoun Minutes were unavailable for the meeting.

Member Schuler made a motion seconded by Member Magill to accept the March 5, 2015 Park Board meeting minutes as presented. With members Prieksat, Romans, Schuler and Magill voting "Aye", motion carried.

Member Romans made a motion seconded by Member Schuler to approve a request by Tom Skelton, for FCYSO, to allow the organization and its volunteers to improve the log cabin building at the t-ball field to be used for storage and concessions. Following the overview and some discussion, members Romans, Schuler, Magill and Prieksat voted "Aye", motion carried.

The maintenance report was placed on file; Bruce Sill reported on the DHHS water system inspection; should have written report for next month's meeting.

The Maintenance Building Committee had no report.

At 7:19 p.m., Mayor Robinson stated in accordance with the published notice, it is now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the Preliminary Plat Application for the Subdivision of HIDDEN ACRES ESTATES LOTS 1, 2, 3, 4, 5 AND 6, BEING A PLATTING IN SECTION 14, T17N, R12E OF THE 6<sup>TH</sup> P.M., WASHINGTON COUNTY, NEBRASKA. Curt Hofer, Attorney James D. Buser; the city attorney; council members: Magill, Prieksat, Romans and Schuler; Zach Nelson, NRD; Scott Japp; Doug Dreesen, TD2; Tom Macdissi, FC Rural Fire Board; Linda Hofer; the city engineer; Kristen New; Jerry Mink; Chance Irving; and Judy Boyd had comments. Following discussion Mayor Robinson closed the public hearing at 8:46 p.m.

At 8:46 p.m., Mayor Robinson stated in accordance with the published notice, it is now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the Final Plat for the Subdivision of HIDDEN ACRES

ESTATES LOTS 1, 2, 3, 4, 5 AND 6, BEING A PLATTING IN SECTION 14, T17N, R12E OF THE 6<sup>TH</sup> P.M., WASHINGTON COUNTY, NEBRASKA, following clarification requested by the city attorney; the developer agreed their wish for the final plat to be considered with the same information as the preliminary; Mayor Robinson closed the public hearing at 8:47 p.m.

Mayor Robinson closed the public hearing at 8:47 p.m.

At 8:47 p.m., Mayor Robinson stated in accordance with the published notice, it is now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating reputation and experience of Applicants for Licenses to sell Fireworks within the city; assessments regarding site suitability and compliance with all city and state fireworks safety and sale regulations: Paul Janacek (2) & My Independence Day (1). There being no written or public comments, Mayor Robinson closed the public hearing at 8:48 p.m.

At 8:48 p.m., Mayor Robinson stated in accordance with the published notice, it is now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the adoption of the Zoning Amendments. The being now written comments and following an over of the changes concerning accessory buildings and mobile homes, Mayor Robinson closed the public hearing at 8:51 p.m.

Member Romans made a motion seconded by Member Magill to approve the request from Paul Janacek for two 2015 retail fireworks licenses; following discussion about the abandoned stands on the property, members Schuler, Magill, Prieksat and Romans voted "Aye", motion carried.

Member Magill made a motion seconded by Member Romans to approve the request from Luiz Hernandez, My Independence Day, for one 2015 retail fireworks license; members Magill, Prieksat, Romans and Schuler voted "Aye", motion carried.

Member Romans made a motion seconded by Member Magill to approve the request for \$300.00 in Lottery (Keno) Funds to complete the financing of Jake Penas' School Board approved plan to enhance the high school's marquee with landscaping for his Eagle Scout project. Following clarification on the amount, members Prieksat, Romans, Shuler and Magill voted "Aye", motion carried.

City engineer, Lucas Billesbach, PE, JEO Consulting Group, Inc. presented information on Task Order No. 131216.05, for engineering services during the 2015 Street Improvements construction; giving clarification on curbs, change order judgments, and communications; confirming work included in the project as presented and approved, for STR-201 – 2015 Asphalt Overlays & Street Improvement, at the December 15, 2014 meeting.

Member Romans made a motion seconded by Member Schuler to approve Task Order No. 131216.05 for engineering services during and post construction of the 2015 Asphalt Overlay & Street Improvements (STR-201). With members Romans, Schuler, Magill and Prieksat voting "Aye", motion carried.

Member Magill made a motion seconded by Member Romans to approve the Material Testing Proposal TG# 14432.01 - 2015 Asphalt Overlay & Street Improvements (STR-201). With members Magill, Prieksat, Schuler and Romans voting "Aye", motion carried.

Member Romans made a motion seconded by Member Magill to approve the Work Change Directive No. 1 on the HWY 75 Drainage Improvement project due to changes required by the Nebraska Department of Roads, with no cost increase to the city. With members Schuler, Magill, Prieksat and Romans voting "Aye", motion carried.

Member Romans made a motion seconded by Member Magill to approve Task Order No. 131216.06 – 2015 Vision Implementation Plan/ Strategic Planning Session/workshop. Following discussion on the purpose and the proposed meeting time, members Magill, Prieksat, Romans and Schuler voted "Aye", motion carried. The workshop being scheduled for Monday, April 13, 2015, 6:00 p.m. to 10:00 p.m. at city hall.

The Board of Adjustment and the vacant Park Board term appointments were tabled to the April meeting.

Mayor Robinson introduced the following Ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO FURTHER AMEND AND CORRECTLY RESTATE PORTIONS OF SECTIONS 4.12.10, 4.12.12 AND TABLES 5.08.07, 5.14.07, 5.15.07 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; AND REMOVING MOBILE HOMES IN TA-1 IN SECTION 5.06 LAND USE CATEGORIES/MATRIX; TO REPEAL THE 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 Magill seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted YEA: Schuler, Magill, Prieksat and Romans. The following voted NAY: None. Absent: none. 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. 700** 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. 700** be passed and adopted?" Upon roll call, the following voted YEA: Magill, Prieksat, Romans and Schuler. The following voted NAY: None. Absent: None.

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.

Member Prieksat made recommendation to vacate the west portion of Webster Street between Blocks 57 and 72 in the Calhoun City's Company Addition as indicated on the map drawn by Tinkham Land Surveying, Inc. and introduced the following Ordinance entitled:

AN ORDINANCE TO VACATE WEBSTER STREET FROM THE EAST SIDE OF THE 14<sup>H</sup> STREET RIGHT-OF-WAY, ADJACENT TO LOT 1 OF LARSEN'S REPLAT (PARCEL "A") IN BLOCK 72 IN CALHOUN CITY COMPANY'S ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, AND PORTIONS OF LOTS 7, 8 AND 9 (PARCEL "B") IN BLOCK 57 CALHOUN CITY COMPANY'S ADDITION TO THE CITY OF FORT CALHOUN, NEBRASKA AS DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

Clint Lewis, Bridgette Hammond and several council members provided comments on what should be done with the west portion.

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 YEA: Prieksat, Romans, Schuler and Magill. The following voted NAY: None. Absent: none. 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. 701** 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. 701** be passed and adopted?" Upon roll call, the following voted YEA: Romans, Schuler, Magill and Prieksat. The following voted NAY: None. Absent: None.

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.

Member Romans made a motion seconded by Member Magill to approve the Annual Spring Clean-Up for Saturday, April 11 through Sunday, April 26, 2015; the mayor stated that it would be in conjunction with open burning as allowed by the Fort Calhoun Fire Chief. With members Prieksat, Romans, Schuler and Magill voting "Aye", motion carried. Dumpsters will be

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located at the city shop property during those dates. The dumpsters are available for city residents only and no tires, paint, batteries or appliances are allowed.

Member Romans made a motion seconded by Member Schuler to approve the Preliminary Plat for the subdivision of Hidden Acres Estates Lots 1 - 6 with the waivers requested as amended. With members Romans and Schuler voting "Aye" and members Magill and Prieksat voting "No", Mayor Robinson took a few moments, explained his position and then voted "Aye", motion carried.

Member Romans made a motion seconded by Member Schuler to approve the Final Plat for the subdivision of Hidden Acres Estates, Lots 1 – 6. With members Schuler, Prieksat and Romans voting "Aye"; Magill voting "No", motion carried.

Facts were presented on behalf of Jake and Jenna Prchal, 6005 US Hwy 75 concerning undetected water usage and request for an adjustment to their account; the request died due to the lack of a motion.

Public Comments: None

Future Agenda Item: Bond Advisor, Phil Lorenzen – Financing the 2015 Street Improvement Project

Member Romans made a motion seconded by Member Prieksat to go into closed session, necessary for the protection of the public interest; to have an informational session on litigation filed against the PMR-NRD. With members Prieksat, Romans, Schuler and Magill 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 an informational session on litigation filed against the PMR-NRD and declared the meeting in closed session at 9:24 p.m.

Member Romans made a motion seconded by Member Magill to return to open session. With all members voting "Aye", motion carried and Mayor Robinson declared the meeting in open session at 9:37 p.m.

There being no additional action items, Member Romans made a motion seconded by Member Magill to adjourn. With all members voting "Aye", the meeting adjourned at 9:37 p.m.

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Mitch Robinson, Mayor

ATTEST:

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Linda Welsher, CMC, City Clerk