

City of Fort Calhoun

May 18, 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, May 18, 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 April 20, 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 Romans made a motion seconded by Member Magill to approve the following bills for payment:

OPPD, 2,958.68, utl; MUD, 140.51, utl; Papio M-R NRD, 5,626.48, water; Abe's Trash, 1,000.73, ser; Am. Broadband, 593.22, utl; Andy's Mow Town, 43.20, rpr; AP Plumbing, 75.00, ser; Bomgaars, 749.59, sup; Brodkey, Peebles, Belmont, 2,620.00, ser; Carquest, 55.99, sup; City of Blair, 2,097.20 & 128.00, ser; Conoco Fleet, 377.71, fuel; Curt Scott Arbor Group, 3,750.00, ser; Enterprise Publishing, 197.40, pub; Fastenal, 114.95, sup; Federated Ins., 2,694.09, hlth ins;

Home Depot, 382.84, sup; IIMC, 155.00, dues; JEO Consulting, 9,089.50, ser; Loveland, 84.50, sup; Maid/USA, 120.00, ser; Marvin Planning, 1,125.00, ser; Masloskie Construction, 62,357.91, ser; Mitchell & Assoc. 1,200.00, ser; NE Dept. Rev., 2,504.45, sales tax; NE Pub Health, 15.00, test; Odeys, 119.40, sup; One Call Concepts, 56.60, ser; Postmaster, 459.10, postage, fee; Quill, 100.98, sup; Reliable Consulting, 5,175.00, ser, trees; Reyzlik HW, 98.66, sup; S. E. Smith, 7.88, sup; Sid Dillon, 42.50, ser; SolutionOne, 75.17, sup; Sprint, 48.74, ser; Talbot/Truhlsen, 1,015.00, ser; VISA (Two Rivers), 89.49, postage, sup; Utility Service Group, 1,800.00, ser; Wash. Co. Growers, 384.50, sup; Wa. Co. Sheriff, 5,428.86, fees; April Payroll, 12,992.05. Following questions and clarification, members Magill, Prieksat, Romans and Schuler voted "Aye", motion carried.

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

Member Romans made a motion seconded by Member Magill to accept the May 5, 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 April 27, 2015 Enhancement Committee minutes as presented. With members Schuler, Magill, Prieksat and Romans voting "Aye", motion carried.

Member Romans made a motion seconded by Member Magill to accept the May 7, 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 Magill to approve the Park Boards recommendation to accept a donation from Zig Drywall Inc., for \$10,500.00 to purchase a Daktronics BA-2030 scoreboard with a sponsor panel for the baseball field. And to allow park funds for the installation costs, including said funds for electrical work that needs to be done due to moving the scoreboard. Following questions and clarification provided by Park Board member, Gene Tietz, members Romans, Schuler, Magill and Prieksat voted "Aye", motion carried.

The maintenance report was placed on file following comments on street patching, contractor policy and the hole in the South 14th Street right-of-way near the electronic sign.

Mayor Robinson stated the maintenance building item has been moved to the end of the agenda and will be discussed in closed session.

At 7:23 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 an Ordinance of the City of Fort Calhoun, Washington County, Nebraska, pertaining to Zoning; readopting of the official city zoning map, There being no written or public comments, Mayor Robinson closed the public hearing at 7:23 p.m.

City engineer, Lucas Billesbach, PE, JEO Consulting Group, Inc. presented the four interns that will be working on Task Order No. 131216.08: 2015 West Market Square Park Improvements design project during the summer out of various office locations (Dillon, Allison, Olivia and Robert).

Member Romans made a motion seconded by Member Magill to approve Pay Application No. 1 for PW-114 Hwy 75 Drainage Improvements (Task Order No. 131216.03) for \$37,997.15. Following comments members Schuler, Magill, Prieksat and Romans voted "Aye", motion carried.

Member Romans made a motion seconded by Member Magill to approve Change Order No. 1 for PW-114 Hwy 75 Drainage Improvements in the amount of \$2,549.50. Following clarifications, members Prieksat, Romans, Schuler and Magill voted "Aye", motion carried.

Member Romans made a motion seconded by Member Magill to approve Pay Application No. 2 and Final for PW-114 Hwy 75 Drainage Improvements (Task Order No. 131216.03) for \$4,549.35. With members Magill, Prieksat, Romans and Schuler voting "Aye", motion carried.

Member Magill made a motion seconded by Member Romans to approve the engineer's "Recommendation of Acceptance" of PW-114 Hwy 75 Drainage Improvements; starting the one-year warranty on the project. With members Romans, Schuler, Magill and Prieksat voting "Aye", motion carried.

Consideration of Task Order No. 131216.09 STR-214 Fort Calhoun Maintenance Building Consulting Service was tabled.

The Board of Adjustment and the vacant Park Board term appointments were once again tabled to the next meeting.

Member Romans introduced the following Ordinance entitled:

AN ORDINANCE TO APPROVE HIDDEN ACRES ESTATES, A SUBDIVISION IN WASHINGTON COUNTY, NEBRASKA, CONSISTING OF LOTS ONE (1) THROUGH SIX (6)

and 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. 702** 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. 702** be passed and adopted?" Upon roll call, the following voted YEA: Magill, Prieksat, Romans and Schuler. The following voted NO: 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 no Member Romans introduced the following Ordinance entitled:

Member Romans introduced the following Ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, PERTAINING TO ZONING; TO PROVIDE FOR THE READOPTION OF THE OFFICIAL CITY OF FORT CALHOUN ZONING MAP; AND TO AMEND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

and 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 NO: 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. 703** 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. 703** be passed and adopted?" Upon roll call, the following voted YEA: Magill, Prieksat, Romans and Schuler. The following voted NO: 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 introduced the following Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF FORT CALHOUN, NEBRASKA, SERIES 2015, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTION OF CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE

SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Member Romans moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Magill 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 NO: None. Absent: None. The motion to suspend the rules was adopted by three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

(Motion included using approximately \$151,000.00 of cash on hand and borrowing up to the \$450,000.00; as the city engineer reiterated that we have a fixed cost for a fixed amount of work but we all understand even having done our due diligence, with this type of project there could be additional cost; the term was agreed at nine (9) years.)

Thereupon said Ordinance **No. 704** was then read by title and Member Romans moved for its final passage, which motion was seconded by Member Magill. The Mayor stated the question "Shall Ordinance No. 704 be passed and adopted?" Upon roll call, the following voted YEA: Romans, Schuler, Magill and Prieksat. The following voted NO: None. Absent: None. The passage and adoption of said Ordinance having been concurred in by a majority of all the members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the 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 Magill introduced **Resolution No. 2015-5** and moved for its passage and adoption. Motion seconded by Member Romans. On roll call the following voted "Aye": Schuler, Magill, 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. Sandy Kucera, Two Far North, 111 North 14th Street, thanked the council members for approving this resolution.

RESOLUTION FOR TRAFFIC CONTROL

City of Fort Calhoun

WHEREAS, the City of Fort Calhoun, Nebraska as a Municipal Corporation has the authority to regulate traffic matters within its Corporate Limits; and

WHEREAS, the City of Fort Calhoun, Nebraska is interested in the public health and safety of the citizens of the City; and,

WHEREAS, the City of Fort Calhoun, Nebraska desires to establish the following traffic control, to-wit:

Establishing "One-Way" vehicular traffic in the alleys located in Block 39 & Block 50

under the City's statutorily granted regulation powers.

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

1. The following traffic regulation and/or regulating device is adopted, to-wit:

Install "One-Way" signs in the alley in Block 39 of the Original Townsite in conformance with MUTCD Regulations; establishing that vehicular traffic entering the alley from HWY 75, a.k.a. North 14th Street and proceeding east; exit on North 13th Street

Install "One-Way" signs in the alley in Block 50 of the Original Townsite in conformance with MUTCD Regulations; establishing that vehicular traffic to enter the entrance on Monroe Street over the right of way and easement (established in 1960, Book 485, pages 482-484), continuing south through city hall's parking lot; turning east at the alley; exiting on to HWY 75, a.k.a. South 14th Street.

The effective date of the aforesaid traffic regulation and/or regulatory device will be as follows; to-wit: June 1, 2015.

2. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED - May 18, 2015

CITY OF FORT CALHOUN, NEBRASKA

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Sandy Kucera, owner of 111 and 115 North 14th Street thanked the council for approving this resolution.

Member Romans introduced **Resolution No. 2015-6** and moved for its passage and adoption. Motion seconded by Member Magill. 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.

RESOLUTION FOR PARTICIPATION IN
PAPIO-MISSOURI RIVER NRD MULTI-HAZARD MITIGATION PLAN

Whereas, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural and man-made hazards and the measures that can be implemented to reduce or eliminate vulnerability exposure, and

Whereas, FEMA requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and

Whereas, the Papio-Missouri River Natural Resource District is proposing to serve as the coordinating agency for the development of multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including Burt, Dakota, Douglas, Sarpy, Thurston and Washington Counties and all associated governmental entities,

Therefore, be it resolved the Fort Calhoun Mayor and City Council hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve.

IN WITNESS WHEREOF, this resolution was approved and executed this 18th day of May, 2015.

THE CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Only the clerk plans on attending the 2015 Municipal Accounting and Finance Conference in Kearney, Nebraska, June 17 – 19, 2015; conference, meals, room and mileage covered.

Public Comments: None

Member Romans made a motion seconded by Member Magill 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 and discussion concerning property purchase negotiations. Members Prieksat, Romans, Schuler and Magill voting “Aye”, motion carried.

After the vote, Mayor Robinson stated for the record, the motion was made, seconded

City of Fort Calhoun

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 as well as discussion concerning property purchase negotiations; allowing Lucas Billesbach, City Engineer and Linda Welsher, City Clerk/Treasurer to sit in, declared the meeting in closed session at 7:50 p.m.

The Mayor Robinson declared the meeting in open session at 8:56 p.m.

With no action being necessary, the meeting adjourned at 8:56 p.m.

Mitch Robinson, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk