

APRIL 29, 2019 CC MINUTES

A special meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 5:32 p.m., on Monday, April 29, 2019 at the Fort Calhoun Council Chambers, 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.

Please note that the meeting minutes are not approved until the next regular City Council meeting.

On roll call, the following Council Members answered present: Terry Fitzgerald, Nick Schuler Lori Lammers, and Bob Prieksat.

Member Prieksat made a motion seconded by member Lammers to approve of Fort Calhoun Engagement Letter with D.A. Davidson & Co. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Prieksat introduced the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2019, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000) TO PROVIDE PERMANENT FINANCING TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2016-1 and 2016-2 (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; DETERMINING THE ORDINANCE TO BE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS OF THE CITY AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Member Prieksat 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": Lammers, Prieksat, Fitzgerald, and Schuler. The motion to suspend the rules was adopted by all the members elected to the City Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 743 was then read by title and Member Fitzgerald moved for its final passage, which motion was seconded by Member Prieksat. The Mayor stated the question "Shall Ordinance No. 743 be passed and adopted?" Upon roll call, the following voted "Aye": Schuler, Lammers, Prieksat, and Fitzgerald.

The Clerk then presented a proposed a Resolution Declaring the Necessity of Constructing Additions and Improvements to the City's Storm Water Sewer System; Creating Storm Water Sewer District No. 2019-1 of the City. Member Prieksat introduced Resolution 2019-4 and moved for its adoption. Member Lammers seconded the motion. The City's legal counsel and fiscal agent advised the Mayor and Council it would be necessary to publish the proposed Resolution of Necessity and Notice of Hearing on the proposed resolution in the Pilot Tribune, a legal newspaper of general circulation in the City, for two consecutive weeks after which publication a hearing would be held and following such hearing the Resolution of Necessity could then be considered for final passage by vote of the City Council.

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE CITY'S STORM WATER SEWER SYSTEM; CREATING STORM WATER SEWER DISTRICT NO. 2019-1 OF THE CITY; MAKING REFERENCE TO AND APPROVING PLANS AND SPECIFICATIONS; APPROVING THE ENGINEERS' ESTIMATE OF COSTS; PROVIDING FOR THE ISSUANCE OF BONDS, WARRANTS AND NOTES, DETERMINING IMPROVEMENTS TO BE GENERAL PUBLIC IMPROVEMENTS NOT OF SPECIAL BENEFIT TO PROPERTY WITHIN SAID DISTRICT AND PROVIDING FOR THE EFFECTIVENESS OF THIS RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, as follows:

Section 1. The Mayor and City Council hereby find and determine that it is necessary and advisable to construct additions and improvements to the City's Storm Water sewer system consisting of the following:

Construct a detention basin and install a new culvert to manage the storm water runoff from the cul-de-sac on Cherry Hills Drive, construct a storm pipe from the detention basin to Bett's Circle, and provide for energy dissipation, erosion control, and overland storm water flow management.

Section 2. For purposes of constructing said additions and improvements, there is hereby ordered created Storm Water Sewer District No. 2019-1, which shall include certain property within the City fully described as follows:

AN AREA LOCATED IN LOT 2 HALFORD'S CHERRY HILLS SUBDIVISION REPLAT NUMBER 1 OF LOTS 1 AND 2 INCLUSIVE, IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE N87°35'26"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 343.41 FEET; THENCE S66°28'34"W, A DISTANCE OF 88.76 FEET; THENCE S24°36'06"E, A DISTANCE OF 79.57 FEET; THENCE S16°09'27"E, A DISTANCE OF 164.81 FEET; THENCE S07°50'31"E, A DISTANCE OF 7.09 FEET; THENCE S87°21'37"W, A DISTANCE OF 60.63 FEET; THENCE N11°52'43"W, A DISTANCE OF 118.20 FEET; THENCE N22°21'39"W, A DISTANCE OF 70.52 FEET; THENCE N27°57'40"W, A DISTANCE OF 61.14 FEET TO A POINT BEING 35.00 FEET DISTANT FROM SAID NORTH LINE; THENCE S87°35'26"W, PARALLEL WITH AND 35.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 210.70 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ON A 62.50 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 37.15 FEET TO THE POINT OF BEGINNING, THE CHORD OF SAID CURVE BEARS N14°36'01"E, 36.60 FEET, SAID PERMANENT DRAINAGE EASEMENT CONTAINS 0.56 ACRES, MORE OR LESS.

AND,

AN AREA LOCATED IN LOT 2 HALFORD'S CHERRY HILLS SUBDIVISION REPLAT NUMBER 1 OF LOTS 1 AND 2 INCLUSIVE, IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N87°35'26"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 140.49 FEET; THENCE S02°24'34"E, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING; THENCE S29°35'21"E, A DISTANCE OF 63.28 FEET; THENCE S19°49'16"E, A DISTANCE OF 20.95 FEET; THENCE N84°55'53"E, A DISTANCE OF 28.92 FEET; THENCE S15°06'07"E, A DISTANCE OF 56.66 FEET; THENCE S14°01'33"E, A DISTANCE OF 110.20 FEET; THENCE N87°21'37"E, A DISTANCE OF 30.68 FEET; THENCE N11°52'43"W, A DISTANCE OF 118.20 FEET; THENCE N22°21'39"W, A DISTANCE OF 70.52 FEET; THENCE N27°57'40"W, A DISTANCE OF 61.14 FEET TO A POINT BEING 35.00 FEET DISTANT FROM SAID NORTH LINE; THENCE S87°35'26"W PARALLEL WITH AND 35.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 59.51 FEET; TO THE POINT OF BEGINNING, CONTAINING 0.22 ACRES, MORE OR LESS.

AND,

AN AREA LOCATED IN LOT 12 REVISED, A REPLAT OF LOTS 12, 13, AND 14 IN HALFORD'S CHERRY HILLS SUBDIVISION, IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER OF SAID LOT 12 REVISED; THENCE N87°35'26"E (ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOT 12 REVISED, A DISTANCE OF 153.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°35'26"E ON SAID SOUTH LINE, A DISTANCE OF 190.12 FEET; THENCE N66°28'34"E, A DISTANCE OF 94.79 FEET TO THE EAST LINE OF SAID LOT 12 REVISED; THENCE N02°22'17"W ON SAID EAST LINE, A DISTANCE OF 42.91 FEET TO THE SOUTHWEST CORNER OF LOT 5 HALFORD'S CHERRY HILL PLAZA SUBDIVISION; THENCE N02°31'48"W CONTINUING ON SAID EAST LINE, A DISTANCE OF 15.33 FEET; THENCE S87°31'12"W, A DISTANCE OF 10.05 FEET; THENCE S02°28'08"E, A DISTANCE OF 19.20 FEET; THENCE S66°28'34"W, A DISTANCE OF 119.84 FEET TO A POINT 30.00 FEET NORTH OF SAID SOUTH LINE; THENCE S87°35'26"W, PARALLEL WITH AND 30.00 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 133.95 FEET; THENCE S34°47'48"W, A DISTANCE OF 37.67 FEET TO THE POINT OF BEGINNING, CONTAINING 0.22 ACRES, MORE OR LESS.

AND,

AN AREA LOCATED IN LOT 5, HALFORD'S CHERRY HILL PLAZA SUBDIVISION IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N87°31'12"E (ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 100.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE N02°36'56"W ON THE EAST LINE OF SAID LOT 5, A DISTANCE OF 5.00 FEET; THENCE S87°31'12"W, PARALLEL WITH AND 5.00 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 83.51 FEET; THENCE N38°39'59"W, A DISTANCE OF 5.60 FEET; THENCE N10°59'44"W, A DISTANCE OF 5.87 FEET; THENCE S87°31'12"W, A DISTANCE OF 12.33 FEET TO THE WEST LINE OF SAID LOT 5; THENCE S02°31'48"E ON SAID WEST LINE, A DISTANCE OF 15.33 FEET TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.

AND,

AN AREA LOCATED IN LOT 6 REVISED, A REPLAT OF LOTS 6 AND 7 HALFORD'S CHERRY HILL PLAZA SUBDIVISION IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6 REVISED; THENCE N87°31'12"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID LOT 6 REVISED, A DISTANCE OF 100.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 6 REVISED; THENCE S02°36'51"E ON THE EASTERLY LINE OF SAID LOT 6 REVISED, A DISTANCE OF 15.66 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY CONTINUING ON SAID EASTERLY LINE, AND ON A 185.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 1.34 FEET, THE CHORD OF SAID CURVE BEARS S02°47'14"E, 1.34 FEET; THENCE S87°30'47"W, A DISTANCE OF 28.29 FEET; THENCE N05°05'45"W, A DISTANCE OF 4.85 FEET; THENCE S85°45'21"W, A DISTANCE OF 24.33 FEET; THENCE S04°25'16"E, A DISTANCE OF 11.65 FEET; THENCE S66°28'34"W, A DISTANCE OF 51.11 FEET TO THE WEST LINE OF SAID LOT 6 REVISED; THENCE N02°22'17"W ON SAID WEST LINE, A DISTANCE OF 42.91 FEET TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS.

Section 3. Reference is hereby made to the plans and specifications (the "Plans") for said additions and improvements which have been prepared by JEO Consulting Group, Inc., engineers for the City, and which, together with the estimate of total cost for said additions and improvements have been filed with the City Clerk prior to the proposing of this resolution.

Section 4. The engineer's estimate of total cost for the proposed Storm Water sewer system additions and improvements for said District is \$110,000, which amount includes interest cost, cost of issuance and other expenses of the City.

Section 5. It is hereby found and determined that such improvements are of general benefit to the City and that no special assessments shall be levied against the property in the District. Temporary financing may be provided through the issuance of bond anticipation notes as provided by Section 10-137, R.R.S. Neb. 2007. Said additions and improvements shall be financed on a permanent basis by the issuance of the City's general obligation storm sewer bonds issued pursuant to Section 17-925, R.R.S. Neb. 2012.

Section 6. This resolution of necessity shall be in force and effect from and after its adoption as provided by law.

PASSED AND APPROVED this ____ day of _____, 2019.

Mayor

City Clerk

[SEAL]

Member Prieksat introduced Resolution No. 2019-3 and moved for its passage and adoption. Motion seconded by member Fitzgerald. On roll call the following voted "Aye": Fitzgerald, Schuler, Lammers, 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:

RESOLUTION RATIFYING AND CONFIRMING THE HIRING OF CONSULTING ENGINEERS; APPROVAL OF THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST PREPARED BY THE CONSULTING ENGINEERS FOR STORM WATER SEWER DISTRICT NO. 2019-1; APPROVING AND PROPOSING RESOLUTION NO. 2019-4 PROVIDING FOR THE CREATION OF STORM WATER SEWER DISTRICT NO. 2019-1; AND, SETTING A HEARING DATE AND DATE FOR THE PASSAGE AND ADOPTION OF RESOLUTION ON NECESSITY NO. 2019-4.

BE IT RESOLVED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

Section 1. By Acton of the Mayor and City Council, a contract agreement was approved for the hiring of JEO Consulting Group, Inc., for the design and preparation of plans, specifications and estimate of cost for certain storm water system improvements;

Section 2. That the plans, specifications and estimate of construction cost of \$110,000 filed by the City's Engineers, JEO Consulting Group, Inc., in the office of the City Clerk for the construction of Storm Water Sewer improvements in Storm Water Sewer District No. 2019-1, have by the Mayor and City Council been heretofore approved, and the said plans specifications and cost estimate be and the same are hereby additionally approved;

Section 3. All actions of the Mayor and City Council and City Clerk, as set out in Sections 1 and 2, herein, are in all respects hereby approved, ratified and confirmed;

Section 4. That a Resolution of Necessity, designated Resolution No. 2019-4 creating Storm Water Sewer District No. 2019-1 of the City of Fort Calhoun be and it is hereby proposed; and

Section 5. That 7:00 o'clock p.m. on the 20th day of May, 2019, at the Fort Calhoun City Hall, 110 South 14th Street, in Fort Calhoun, Nebraska, is hereby set as the time and place for the Mayor and City Council to conduct a hearing on the adoption of said resolution and to hear any objections to its passage, at which owners of real property located in said district may appear and make objections to such improvements, and the City Clerk is hereby instructed to provide notice of such hearing as required by law.

PASSED AND APPROVED this 29th day of April, 2019.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Following a motion by Fitzgerald, second by Prieksat and vote, Mayor Robinson declared the meeting adjourned at 5:55 p.m.

Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk