

AUGUST 20, 2018 CC MINUTES

A 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, August 20, 2018 at the Fort Calhoun Fire 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.

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: Bob Prieksat, Terry Fitzgerald Nick Schuler, and Lori Lammers.

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

Member Prieksat made a motion seconded by member Lammers to approve the July 16, 2018 City Council minutes. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Schuler made a motion seconded by member Prieksat to approve the July 31, 2018 *Special* City Council minutes. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Prieksat to approve the Treasurer's Report. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Lammers to approve the following bills were accepted for payment:

OPPD, 3690.87, utl; MUD, 84.00, utl; Papio M-R NRD, 9301.12, water; Abe's Trash Service, 103.68, ser; Access Systems Leasing, 187.44, sup; Aflac, 241.44, ben; Am. Broadband, 683.28, utl; Bomgaars, 465.59, sup; Carquest, 78.98, sup; Chase Bank, 10930.00, wire; City of Blair, 7330.01, ser; Clint Scott, 1477.50, ser; Enterprise Media, 243.17, ser; JEO Consulting, 5519.00, ser; League of NE Municipalities, 2834.00, membership; Logos Plus, 85.60, sup; M.E. Collins, 15798.79, ser; NE Public Health Env Lab, 15.00, test; NE Sales Tax, 3200.12, tax; One Call Concepts, 184.62, ser; Postmaster, 137.90, ser; Quality Pest Control, 62.50, ser; Quill, 174.10, sup; Shaw Hull & Navarrette, 1569.00, ser; Talbot Law Office, 1067.50, ser; Tinkham Land Surveying, 1862.00, ser; United Healthcare, 6401.77, ins; Verizon, 158.74, exp; VISA(Two Rivers), 168.67, sup; Washington County Sheriff, 5514.15, ser; With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

The Washington County Sheriff's Office statistics for July 2018 was accepted unanimously.

Member Lammers made a motion seconded by member Schuler to approve the June 25, 2018 Enhancement Committee minutes. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Lammers made a motion seconded by member Schuler to approve the July 30, 2018 Enhancement Committee minutes. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Member Schuler made a motion seconded by member Lammers to approve the August 2, 2018 Park Board minutes. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Lammers to approve the July 17, 2018 Board of Adjustment minutes. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

The July-August maintenance report was placed on file.

The public hearing to consider THE LEVY OF SPECIAL ASSESSMENTS STREET IMPROVEMENT DISTRICT NO. 2016-1 (WASHINGTON STREET) AND 2016-2 (CHERRY HILLS) opened at 7:07 p.m. With no written or public comments, the public hearing closed at 7:07 p.m.

There were no amendments or corrections to the assessments.

Member Prieksat made a motion seconded by member Fitzgerald to set the number of installments at 15 and interest rate of 4.75% on unpaid specials. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Schuler to approve the SDL request for Sean Lewis, Fort Bar, for a BBQ/Husker parking lot party on October 6th. Sean Lewis said he will meet with the Sheriff to discuss security. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Schuler to approve Nightlife Concepts Inc request for an SDL for Governors Steak Fry at 225 N. 7th St. on September 30th from 11:00 a.m. – 6:00 p.m. Mayor Robinson said they will need to hire law enforcement for security. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Prieksat to approve the request from Fort Calhoun Community Schools to close 15th Street from Monroe to Lincoln Street on September 14th for the annual homecoming parade. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Michelle Tjardes requested to have patrol units for Elementary School Walk-a-thon on September 21st, beginning at 9:00 a.m. and ending by 11:30 a.m. Mayor Robinson said she could coordinate with the sheriff and didn't need council approval.

City Engineer, Lucas Billesbach, discussed the proposed storm water ordinance. Lucas explained that we currently have a drainage standard in our subdivision ordinance and another drainage standard that was adopted by its own ordinance that was adopted from the City of Omaha's Storm Water Design Manual. The two ordinances didn't comply with each other, so they created one stand-alone ordinance. The new ordinance is based on a quantity standpoint versus quality. Lucas suggested putting together a committee to discuss the new ordinance before it is passed.

City Engineer gave an update on Betts Circle Drainage Improvements. A survey was done, and they are looking at locating a storage basin. They want to re-establish the berm and put storage back behind the homes. The plans will be finalized over the next couple of weeks and recommend approval at the next meeting. Jerry Beach, 1550 Betts Circle, asked about the short-term fix until the improvements are made. Mayor Robinson said to coordinate with Bruce, Maintenance Supervisor, to get sandbags up there.

Member Prieksat made a motion seconded by member Lammers to approve the bid package for street maintenance and authorized the City Clerk to set a bid opening date and advertise for bids. Lucas explained that he wanted to get a standard and easy bid package for the City to use without having to involve engineers. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Lammers to approve Change Order #1 for the 2018 Sanitary Sewer Rehabilitation project. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Fitzgerald to approve the second reading of Ordinance No. 733-Extending ETG, as listed below. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried. The third and final reading of the Ordinance will be at the regular September meeting.

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND THE FORT CALHOUN ZONING MAP TO EXTEND THE EXTRA TERRITORIAL ZONING JURISDICTION AND ASSIGN ZONING DISTRICTS TO NEW JURISDICTION ; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE AN EFFECTIVE DATE.

Member Schuler made a motion seconded by member Fitzgerald to approve the first reading of Ordinance 734 – Amending Mayor & Council Salaries, as listed below. Council discussed increasing the mayor's salary and leaving the council's salary the same. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye" to approve the first reading, motion carried. The second reading of the Ordinance will be at the regular September meeting.

AN ORDINANCE AMENDING CHAPTER ONE, ARTICLE ONE, SECTION 110 OF THE REVISED MUNICIPAL CODE (NOVEMBER 2002) OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, FIXING THE SALARIES OF CERTAIN OFFICERS OF SAID CITY AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE.

Member Prieksat introduced Resolution 2018-10 and moved for its passage and adoption. Motion seconded by member Lammers. On roll call the following voted "Aye": Lammers, Prieksat, Fitzgerald, 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:

WHEREAS, the City of Fort Calhoun intends to apply for Federal Assistance,

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

1. Whereas, The City of Fort Calhoun, Nebraska is applying for federal assistance from the Recreational Trails Program for the purpose of developing a 8-foot wide, 5-inch thick concrete trail connecting West Market Square Park and the Fort Calhoun Elementary School.
2. The Mayor of the City of Fort Calhoun, Nebraska is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.
3. The City of Fort Calhoun, Nebraska currently has the written commitment for the 20% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project.
4. The City of Fort Calhoun, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years.
5. The City of Fort Calhoun, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.
6. The City of Fort Calhoun, Nebraska will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.
7. The City of Fort Calhoun, Nebraska will comply with the Federal accessibility and use standards where they can be reasonably applied.
8. All paperwork may be signed by the project sponsor, but the Resolution MUST be signed by the Mayor.

I certify that this resolution is a true copy of the original document that was adopted by the City of Fort Calhoun, Nebraska at a properly advertised and announced public meeting held this 20th day of August 2018.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Prieksat introduced Resolution No. 2018-11 and moved for its passage and adoption. Motion seconded by member Schuler. On roll call the following voted "Aye": Schuler, Lammers, Prieksat, and Fitzgerald. 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 MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2016-1 AND 2016-2, IN THE CITY OF FORT CALHOUN, NEBRASKA.

WHEREAS, Notice has been published as provided by law concerning the levy of special assessments in Street Improvement District Nos. 2016-1 and 2016-2, in the Pilot Tribune, a newspaper of general circulation in the City on July 17, 2018, July 24, 2018, July 31, 2018, August 7, 2018, and August 14, 2018 and a copy of said Notice has been mailed to all resident and non-resident owners of property in said Districts as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said Districts proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described;

NOW BE IT RESOLVED, that the special assessments are adjusted as follows:

BE IT FURTHER RESOLVED, that the said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements;

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without interest, but if not so paid, special assessments in Street Improvement District Nos. 2016-1 and 2016-2 shall bear interest thereafter at the rate of Four and Seventy-five Hundredths per centum (4.75%) per annum from the date of this resolution until delinquent. Such assessments shall become delinquent as follows:

One fifteenth of the total amount shall become delinquent fifty days after such levy; one fifteenth one year; one fifteenth in two years; one fifteenth in three years; one fifteenth in four years; one fifteenth in five years; one fifteenth in six years; one fifteenth in seven years; one fifteenth in eight years; one fifteenth in nine years; one fifteenth in ten years; one fifteenth in eleven years; one fifteenth in twelve years; one fifteenth in thirteen years; and, one fifteenth in fourteen years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at any time at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedules be filed by the City Clerk with the County Treasurer and with the County Clerk/Register of Deeds of Washington County, Nebraska as provided by law for entry on the proper tax rolls.

PASSED this 20th day of August 2018

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

City Engineer, Lucas Billesbach, discussed the Floodplain Permit for Fort Calhoun Community Solar, LLC. He said they are located outside of the floodway in the floodplain. Lucas said the internal engineer that does floodplain analysis at JEO looked over the application and he recommended conditional approval upon receipt of 100% final plans (plans they submitted are 30%) and would like to see anchoring details for the solar panels and an analysis to ensure that in a flood they are steady. Member Fitzgerald made a motion seconded by member Prieksat to approve the Floodplain Permit for Fort Calhoun Community Solar, LLC based on the conditions and authorized the Mayor to execute. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Deb Sutherland discussed the Sales Tax Committee's recommendation for 20% (annually) to Parks, 10% (annually) to Streets/Sidewalks/Trails and remaining to go towards Adams Street Corridor/Splash Pad project. Deb said the committee met a couple times and came up with some good ideas for projects. Member Prieksat suggested doing amounts, rather than percentages, such as \$50,000 to Parks and \$20,000 to Streets/Sidewalks/Trails.

Member Fitzgerald made a motion seconded by member Prieksat to approve increasing the City contribution of employee benefit for health insurance to 70%. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Jeff Nieto, Joe Nieto, Bret & Nicole Huber, Jeremiah Fleenor, and Curt & Linda Hofer tabled their agenda items.

Following a motion by Prieksat second by Fitzgerald and vote, Mayor Robinson declared the meeting adjourned at 8:30 p.m.

Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk