

JANUARY 15, 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 7:01 o'clock p.m., on Monday, January 15, 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 Schuler made a motion seconded by member Lammers to approve the amended November 20, 2017 City Council minutes. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Schuler made a motion seconded by member Lammers to approve the December 18, 2017 City Council minutes. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Fitzgerald 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 for payment:

OPPD, 3257.01, utl; MUD, 243.04, utl; Papio M-R NRD, 2378.23, water; Abe's Trash, 41.04, ser; Aflac, 241.44, ben; AJEE Woods, 2750.00, ser; Am. Broadband, 605.22, utl; Blair Chamber of Commerce, 400.00, banquet; Bobcat of Omaha, 38.72, equip; Bomgaars, 679.71, sup; Boyle, Hess & Elliott, 570.00, ser; Carquest, 51.97, sup; Chase Bank, 4121.75, wire; City of Blair, 5450.75, ser; Coleene Robinson, 40.62, reimb; Conoco Fleet, 586.27, ser; Cornhusker Press, 13.00, lic; Data Tech, 81.26, forms; Deb Sutherland, 642.77, reimb; Eileen Justus, 189.79, reimb; Enterprise Pub, 473.96, ser; Fastenal Company, 37.63, sup; JEO Consulting, 5967.50, ser; Liberty Mutual, 675.00, renewal; Lorraine Lammers, 409, reimb; Kent Long, 70.00, ser; NE DHHS Public Health, 115.00, lic; NE Public Health Env Lab, 500.00, test; NE Sales Tax, 2806.99, tax; O'Reilly Auto Parts, 14.99, sup; One Call Concepts, 19.68, ser; Postmaster, 132.30, ser; Shaw Hull & Navarrette, 4227.84, ser; SolutionOne, 714.26, sup; Talbot & Truhlsen Law Offices, 315.00, ser; Utilities Section League, 135.00, wokrshop; Verizon, 161.85, exp; VISA(Two Rivers), 2537.01, sup; Wash. Co. Sheriff, 5,514.15, ser; Woodhouse Ford, 47.73, ser; Your Hometown Media, 75.00, event;

With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

The Washington County Sheriff's Office statistics for December 2017 was accepted unanimously.

Member Schuler made a motion seconded by member Prieksat to approve the January 8, 2018 Planning Commission minutes. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Lammers to approve the December 18, 2017 Enhancement minutes. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Prieksat to approve the January 9, 2018 Christmas in Calhoun minutes. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

The December-January maintenance report was placed on file.

The public hearing to consider the adoption of AN AMENDMENT TO THE ZONING REGULATIONS TO ADD A "LIVESTOCK FEED OPERATION (LFO)" AS A CONDITIONAL USE TO THE TA-1 DISTRICT opened at 7:07 p.m. Kevin Andersen, JEO Planner, discussed the process. He explained the provisions in the TA-1 district which regulates uses, such as a poultry husbandry operation. He presented a radius area that shows, within a half mile, if there are any existing residential, commercial, or public use, a poultry husbandry operation is not allowed. He stated that there are no changes being proposed to those specific provisions. Attorney, Steve Mossman, discussed the amendments/conditions being proposed, which include; the Conditional Use Permit be limited to poultry husbandry, the LFO be conducted in accordance with any applicable federal, state, or local regulations that may govern the operation, that in the event of any conflict or complaint as documented by the complaining party between the LFO and any adjoining land uses, such conflict be resolved through a mediation process, and that the Conditional Use is only allowed in the extra-territorial zoning jurisdiction of the City of Fort Calhoun. City Attorney, Edmond Talbot, asked if the "LFO" wording could be changed to "PLFO" so that it is specific to a poultry operation. Bob Lammers questioned Kevin about the radius map presented showing the current Fort Calhoun city limits and the proximity of the proposed PLFO. Dave Genoways, 121 N. 10th, spoke in favor of the amendment. He explained that you try to plan for the future, but you can't predict everything and sometimes you have to make changes. He said he is in favor because it is downwind and surrounded by floodplain. The public hearing closed at 7:30 p.m.

The public hearing to consider the adoption of AN APPLICATION FOR CONDITIONAL USE PERMIT FOR A LIVESTOCK FEED OPERATION IN THE TRANSITIONAL AGRICULTURE DISTRICT opened at 7:31 p.m. THE PROPERTY IN QUESTION IS PARCEL IDENTIFICATION NUMBER 890087149. Attorney Steve Mossman explained how the property in question is unique and they are limited to what can do with the land. Jeff Shaner discussed how the opportunity came up from Lincoln Premium Poultry and Costco. He gave a presentation explaining the Livestock Feed Operation. Jeff Shaner explained how the opportunity to open a Poultry Livestock Feed Operation was brought to him and he always wanted manure to use for fertilizer. He thought this piece of land (southeast corner of the rock quarry) would be ideal because it's out of the floodplain, but is surrounded by floodplain and it is near the rock quarry, so he didn't see much for future development. Jeff talked about the research he did, visiting different feed operations and sitting through educational meetings. He discussed the benefits that a PLFO would have on the community, such as, increased employment, increased food supply, tax revenue, and utilities. Jon Genoways, 301 N. 9th, spoke in favor of the PLFO. He said he is one of the closest houses to the proposed operation and he is not concerned about noise or odor and it makes sense from a revenue perspective. He explained that he has been around a lot of these operations and they are very clean and you can't smell them. Mark Welsher, 1623 Clay St, spoke in support of it, stating that he has seen several of these operations and that there is no smell associated with them that he observed. Steve Dethlefs, Washington County Board of Supervisors, said he felt it was the best use of an asset because of the location, not much else could be done with that land. Bob Lammers, 120 N. 14th, spoke against the proposed operation. He said feed operations are generally considered to be undesirable neighbors. He wants the city to continue to grow and improve and does not want the city to be avoided. Roger Whitefoot, 722 Adams St, stated that he and his wife had visited Tecumseh, which has 46 growing barns, and they did not observe any odor. The public hearing closed at 7:49 p.m.

Lori Sandhoefner requested approval of a Special Designated Liquor License for the St Johns the Baptist Catholic Church Fish Fry on February 16th, 23rd, and March 2nd, 9th, 16th, 23rd, 2018. Member Prieksat made a motion seconded by Fitzgerald to approve the request. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Schuler made a motion seconded by member Fitzgerald to approve THE AMENDMENT TO THE ZONING REGULATIONS TO ADD A "POULTRY LIVESTOCK FEED OPERATION (PLFO)" AS A CONDITIONAL USE TO THE TA-1 DISTRICT. Member Schuler said he was in favor because of the location. Member Lammers said she not for it because she believes it doesn't fit it in with the City's "master plan" and doesn't think it is for the City or the citizens. With member's Schuler and Fitzgerald voting "Aye", member Lammers voting "Nay", and member Prieksat abstaining, the motion carried.

Member Schuler made a motion seconded by member Fitzgerald to approve THE APPLICATION FOR CONDITIONAL USE PERMIT FOR A POULTRY LIVESTOCK FEED OPERATION IN THE TRANSITIONAL AGRICULTURE DISTRICT. The conditions include: the Conditional Use Permit be granted in perpetuity, applicants must begin construction within one year of approval, and the PLFO must be in use within two years of approval. Mayor Robinson said he visited Tecumseh to do some research. He showed pictures of the feed operation there. He said they got very close to it and there was no odor. Mark Welsher, 1623 Clay St, asked how many buildings there will be for the PLFO. Jeff Shaner said there are proposing four buildings. With member's Fitzgerald and Schuler voting "Aye", member Lammers voting "Nay", and member Prieksat abstaining, the motion carried.

The Council discussed the upcoming 1 & 6 Road Program that was presented by the City's Street Superintendent, Steve Parr. The one-year projects shown on the map have been budgeted for this year or underway. A public hearing regarding the 1 & 6 Road Program will be held in February.

Mayor Robinson made the following recommendations for the 2018 Planning Commission appointments: Tony Knight and Aaron Schrum. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Mayor Robinson tabled the Park Board appointment.

Approval for a transfer of \$119,541.90 from the Sewer Sinking Fund to the Sewer Fund. Motion made by Lammers, seconded by Prieksat. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motioned 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 and allowing Community Coordinator Deb Sutherland and City Clerk Alicia Koziol, to discuss a personnel issue at 8:16 p.m.

Mayor Robinson declared the meeting in open session at 8:23 p.m., with no action being taken.

Following a motion by member Fitzgerald, second by member Prieksat and vote, Mayor Robinson declared the meeting adjourned at 8:23 p.m.

Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk