

## **MARCH 19, 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, March 19, 2018 at the Fort Calhoun 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.

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: Lori Lammers, Bob Prieksat, Terry Fitzgerald, and Nick Schuler. With a quorum present, Mayor presided and the Clerk recorded the proceedings.

Member Schuler made a motion seconded by member Lammers to approve the February 18, 2018 City Council minutes. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Schuler 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, 3293.22, utl; MUD, 345.02, utl; Papio M-R NRD, 4998.79, water; Advantage Lawn Care, 1707.00, ser; Aflac, 241.44, ben; Am. Broadband, 602.70, utl; Bomgaars, 258.37, sup; Chase Bank, 7696.25, wire; City of Blair, 4610.61, ser; Conoco Fleet, 676.85, ser; Enterprise Media, 131.51, ser; JEO Consulting, 6053.75, ser; NE Public Health Env Lab, 15.00, test; NE Rural Water Assoc., 150.00, renewak; NE Sales Tax, 3008.64, tax; One Call Concepts, 15.12, ser; Postmaster, 134.05, ser; Quill Corp, 240.89, sup; SE Smith & Sons, 71.88, sup; Shaw Hull & Navarrette, 3303.00, ser; Simplex Grinnell, 155.00, ser; SolutionOne, 270.85, sup; Talbot & Truhlsen Law Offices, 857.50, ser; United Healthcare, 6402.45, ins; Verizon, 162.15, exp; VISA(Two Rivers), 769.42, sup; Wash. Co. Sheriff, 5,514.15, ser; Wash. Co. Roads, 600.00, sup; Wash. Co. Historical Assoc., 5000.00, donations;

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

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

Member Schuler made a motion seconded by member Lammers to amend the March 12, 2018 Planning Commission. Mayor Robinson explained that the minutes should say "the rock quarry causes larger buffer zones" rather than "the rock quarry is within the buffer zones that causes limited development". With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Schuler to approve the February 26, 2018 Enhancement minutes. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Lammers to approve the February 1, 2018 Park Board minutes. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Lammers made a motion seconded by member Schuler to approve the February 5, 2018 Park Board minutes. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Schuler made a motion seconded by member Lammers to approve the March 1, 2018 Park Board minutes. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

The February-March maintenance report was placed on file.

The public hearing to consider the adoption of AN AMENDMENT OF ARTICLE 5, SECTION 5.07.08 OF THE FORT CALHOUN ZONING ORDINANCE TO AMEND OTHER APPLICABLE PROVISIONS 1 AND 2 (SETBACK BUFFERS) LISTED FOR ZONE TA-1: TRANSITIONAL AGRICULTURE DISTRICT opened at 7:06 p.m. The proposed amendment would be: 1.) *The following uses shall be located a minimum of ~~2,640~~ 750 feet from any adjacent residential, commercial, industrial, or public use, as measured from the nearest point on the lot line; a. Commercial auction yards or barns, b. Commercial production and husbandry of poultry, fish, and small animals, c. Commercial feedlots, d. Mining and extraction of natural resources, e. Feed mills, f. Veterinarians' offices and hospitals, and boarding kennels, applicable only to any structure or building used to house horses or other animals, g. Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations, h. Kennels, stables, and riding clubs, applicable only to any structure or building used to house horses or other animals, i. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards, j. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.* 2.) *No new residential, commercial, industrial, or public use shall be located nearer than ~~3,960~~ 500 feet to any existing use listed in Section 5.07.08.* Lucas Billesbach, with JEO, explained that the provision was researched by JEO and there has been a lot of discussion about the buffer distances. He stated that the rock quarry is within the zones. They looked at regulations from other communities and couldn't find any with the current buffers. He explained that the new buffer zones will free up a lot of land in the northeast part of the community for development but still provide protection. Member Lammers asked what the purpose of making the buffers so small? Lucas said the proposed buffers are well represented across the state. Member Prieksat and Mayor Robinson discussed making a policy to notify developers when building something new close to those buffers. The public hearing closed at 7:14 p.m.

The public hearing relative to hearing support, opposition, criticism, suggestions or observations relating to the APPROVAL OF THE 2018 FIREWORKS LICENSE: MY INDEPENDENCE DAY FIREWORKS opened at 7:15 p.m. With no written or public comments, public hearing closed at 7:15 p.m.

Member Prieksat made a motion seconded by member Schuler to approve the My Independence Day Fireworks Permit #1. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Sheriff Mike Robinson and members of the County Board gave an update on the Justice Center Project and Bond Issue. Sheriff Robinson explained that they did a Needs Assessment in 2012 to evaluate existing facilities (courthouse, courtrooms, public safety, sheriff's office, and jail), forecast the number of future jail beds and estimated future staffing needs/costs. In 2014 the Nebraska Jail Standards, according to the Administrative Code-Title 81, put the Washington County Jail into non-compliance because they didn't meet the standards to stay open. The Board came up with a Corrective Action Plan to correct the issues. The County Board discussed current transportation costs, design layout of the Justice Center Project, project budget and bond amount, and tax levies. The Washington County Sheriff's website has all the details of the Justice Center/Public Safety Bond.

Lisa Scheve with Gateway Development Corporation gave a first quarter update. She said 2017 was a record year of \$370,000,000 worth of Capital Investment, which is the most they've ever seen since Gateways existence. There has been a lot of success in the bio industry. In 2018 they will be working on having a career fair and site development (trying to get more property).

Member Schuler made a motion seconded by member Fitzgerald to approve The Guaranteed Maximum Price addendum in the amount of \$558,445.11 with a substantial completion date of January 1, 2019 to the Construction Management at Risk Agreement with Welchert Woodworking, Inc. for the construction of the City of Fort Calhoun Maintenance Building. Lucas explained that this is an amendment to the agreement passed at February's meeting. The project will commence around April 1, 2018 and have a completion date of January 1, 2019. He discussed the project plans and mentioned having a ground-breaking ceremony for the building. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Lammers to approve The Plans and Specifications for the 2018 Sanitary Sewer Rehabilitation project with an engineer's opinion of cost of \$134,690.00 and authorize JEO Consulting Group to submit the plans to the Nebraska Department of Environmental Quality to obtain a construction permit. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Lammers to authorize JEO Consulting Group to work with the clerk to establish a bid opening date and to begin advertising for bids for the 2018 Sanitary Sewer Rehabilitation project. Lucas said he will be back in May with bids. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Lucas Billesbach, City Engineer, gave an update on the Cherry Hills Paving District project. There are still a few things that need to be addressed- an irrigation system, an area ponding on Sunset, and an outlet of a culvert being worked on.

Lucas Billesbach gave an update on the 2016 Water System Improvement project. Lucas said he wants to wait for the grass to start popping before he has the contractor come back and fix any issues- rutting, silt fences that are full, and sediment transfer.

Mayor Robinson introduced the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AMENDING ARTICLE 5, SECTION 5.07.08 OF THE FORT CALHOUN ZONING REGULATIONS TO AMEND OTHER APPLICABLE PROVISIONS 1 AND 2 (SETBACK BUFFERS) LISTED FOR ZONE TA-1: TRANSITIONAL AGRICULTURE DISTRICT; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

Member Schuler moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Lammers seconded the motion to suspend the rules and upon roll call vote, the following Members voted "Aye": Fitzgerald, Schuler, Lammers and Prieksat. 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. 729 was then read by title and Member Schuler moved for its final passage, which motion was seconded by Member Fitzgerald. The Mayor stated the question "Shall Ordinance No. 729 be passed and adopted?" Upon roll call, the following voted "Aye": Prieksat, Fitzgerald, Schuler and Lammers.

Ordinance No. 730 was tabled.

Mayor Robinson introduced the following ordinance entitled:

AN ORDINANCE CREATING THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF FORT CALHOUN, NEBRASKA; DESIGNATING THE CITY COUNCIL TO CONSTITUTE SUCH AGENCY AND PROVIDING FOR THE FUNCTIONING AND POWERS OF SUCH AGENCY.

Member Schuler moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Fitzgerald 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. 731 was then read by title and Member Schuler moved for its final passage, which motion was seconded by Member Lammers. The Mayor stated the question "Shall Ordinance No. 731 be passed and adopted?" Upon roll call, the following voted "Aye": Schuler, Lammers, Prieksat, and Fitzgerald.

Member Fitzgerald made a motion seconded by member Schuler to approve Jeff Shaner's request for Council to rescind the adoption of the buffer area maps (adopted February 19, 2018). City Attorney, Edmond Talbot, explained that with approval of Ordinance 729, the maps are no longer necessary and it would be appropriate to rescind the inclusion of the maps for the C.U.P. With members Fitzgerald, Schuler, and Lammers voting "Aye" and member Prieksat abstaining, motion carried.

Member Lammers made a motion seconded by member Prieksat to approve dates for the Annual Spring Clean-Up, providing Dumpster(s) at the City Shop: Saturday, April 7th through Sunday, April 22<sup>nd</sup>. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

➤ *Note, FCFD Fire Chief Dan Mallory will allow Open Burning with a BURN PERMIT during this time*

Member Prieksat made a motion seconded by member Fitzgerald to approve the Mayor's recommendation for changes to personnel manual concerning sick leave and holidays. He proposed changing the sick hours from 126 to 252 *hours* and adding *Martin Luther King Day* and *Presidents Day* to the employee holiday's. With members Lammers, Prieksat, Fitzgerald, and Schuler 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 and allowing Gateway Development Executive Director Lisa Scheve, City Engineer Lucas Billesbach, Community Coordinator Deb Sutherland and City Clerk Alicia Koziol, to real estate negotiations at 8:10 p.m.

Mayor Robinson declared the meeting in open session at 8:59 p.m. Member Schuler made a motion seconded by member Prieksat to authorize the City Attorney and Mayor to negotiate real estate contract with developers. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 9:00 p.m.

Mitch Robinson, Mayor

ATTEST:

Alicia Koziol, City Clerk