

OCTOBER 21, 2019 CC MINUTES

A regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:03, on Monday, October 21, 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.

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.

In accordance with Section 84-1412 sub section eight (8) of the Reissue Revised State Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written material to be discussed is available to the public at this meeting for examination and copying.

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 Robinson presided, and the clerk recorded the proceedings.

Member Prieksat made a motion, seconded by member Prieksat to approve the consent agenda, as presented. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

(The consent agenda included: September 16, 2019 City Council minutes; September Treasurers Report; October 7, 2019 Planning Commission minutes; October 3, 2019 Park Board minutes; September 30, 2019 Enhancement Committee minutes; September 10, 2019 & October 15, 2019 Christmas in Calhoun minutes; Maintenance Report; September 2019 Washington County Sheriff's Report)

Member Schuler made a motion seconded by member Lammers to approve the following bills:
OPPD, 2863.42, utl; MUD, 84.87, utl; Papio M-R NRD, 7703.53, water; Abe's Trash, 179.70, ser; Access Systems, 308.22, contract; Access Systems Leasing, 187.44, sup; Aflac, 378.64, ben; Am. Broadband, 540.31, utl; Berger, Elliott & Pritchard, 200.00, ser; Blair Ace Hardware, 84.52, sup; Blair Garden Center, 1110.00, sup; Bobcat of Omaha, 246.85, ser; Carquest, 274.63, sup; City of Blair, 6011.91, ser; Coleene Robinson, 64.07, reimb; Conoco Fleet, 384.97, ser; Core & Main, 234.48, sup; Deb Sutherland, 53.95, reimb; EFTPS, 2172.07, payroll tax; Enterprise Media, 436.93, ser; Gateway Development Corp, 3500.00, memb; IIMC, 170.00, memb; JEO Consulting, 5043.75, ser; Long's O.K. Tire, 904.95, sup; Martin Marietta, 351.06, sup; Midwest Coatings, 66148.80, contract; NE Dept Rev-Waste, 25.05, tax; NE DHHS, 15.59, ser; NE Dept of Rev, 470.00, training; NE Public Health Env Lab, 515.00, test; NE Sales Tax, 3497.04, tax; One Call Concepts, 48.28, ser; Postmaster, 141.05, ser; Shaw, Hull, Navarrette, 6654.10, ser; Sign Depot, 242.73, ser; Talbot Law, 577.50, ser; Three Rivers Clerks Assoc, 10.00, memb, Two Rivers Bank, 5086.52, lease; United Healthcare, 6747.74, ins; USDA, 180587.00, loan; Verizon, 130.74, exp; VISA(Two Rivers), 495.78, sup; with members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

The public hearing relating to AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A BANQUET/RECEPTION FACILITY ON LOT 1, BLOCK 9 (NORTHERN LIGHTS ADDITION) OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA opened at 7:06 p.m. There were no written comments. The mayor discussed the conditions which include: *The construction of the Banquet/Reception Facility commences within 12 months of the issuance of the Conditional Use Permit for Warehousing (enclosed); Hours of operation shall not exceed 10:00pm Sundays through Thursdays and 12:00am (midnight) on Fridays and Saturdays; Sound decibel levels, as measured from adjacent residential properties, shall not exceed 65 dB(A) prior to 9:00pm and 60 dB(A) any time after 9:00pm; The property shall be screened from adjacent residential uses with a solid fence or wall, or landscaping, or any combination thereof. Screening shall be designed to eliminate the penetration of stationary lighting from the structure(s) and parking lot, or headlights from vehicles within and entering/exiting the parking lot; Any delivery access doors and parking shall be screened from sight of adjacent residential properties with a wall, fencing, or landscaping; Any on-site waste containers shall be screened from sight of adjacent residential properties with a wall, fencing, or landscaping; The east (hwy 75) side shall have landscaping and/or wainscoting (stone or brick); and the existing structures must be demolished before construction begins.* The public hearing closed at 7:09 p.m.

The public hearing relating to AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A STOREFRONT CHURCH ON LOTS 3 & 4, BLOCK 51 OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA opened at 7:09 p.m. There were no written comments. Following some discussion, the public hearing closed at 7:11 p.m.

The public hearing relating to THE SIX YEAR ROAD AND STREET PLAN FOR THE CITY OF FORT CALHOUN opened at 7:11 p.m. There were no written comments. Following some clarification on the 1 & 6 map, the public hearing closed at 7:15 p.m.

Bob Andersen (1570 Betts Circle) & Jerry Beach (1550 Betts Circle) discussed their concerns with the Betts Circle Drainage project. Bob said he was worried about the design of the project. Jerry discussed all of the damages to his property since this drainage issues began over a year ago. Jerry said he would like the contractors to complete a punch list before the project is finalized.

Liz Sevcik with the Friends of the Fort Calhoun Splash Pad gave an update on fundraising efforts and upcoming events. The committee meets weekly and is now part of the Blair Area Community Foundation. They will be included Member Lammers made a motion seconded by member Fitzgerald to approve the committee to auction off a pre-opening splash pad party. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Lammers to approve the SDL request from South Creek for the Boots & Bling event on November 9th at Shaner's Barn. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Schuler made a motion seconded by member Prieksat to approve the Application for a Conditional Use Permit for a Banquet/Reception Facility on Lot 1, Block 9 (Northern Lights Addition) of the City of Fort Calhoun, Washington County, Nebraska. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Schuler made a motion seconded by member Lammers to approve the application for a Conditional Use Permit for a Storefront Church on Lots 3 & 4, Block 51 of the City of Fort Calhoun, Washington County, Nebraska. With members Fitzgerald, Schuler, and Lammers voting "Aye", member Prieksat voting "Nay", motion carried.

Member Fitzgerald made a motion seconded by member Prieksat to approve Pay Application No. 2 and Final to Maslowsky Grading for the 2018 Maintenance Building Demolition project in the amount of \$4,816.55. The contractors will come back in the spring to check on the seeding. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Julie Ogden with JEO gave an update on the 2019 Betts Circle Drainage project. Contractors will have to complete a punch list before completion and final payment. She also notified the council of liquidated damages that can be assessed to the contractor.

Member Schuler made a motion seconded by member Fitzgerald to approve Pay Application No. 2 to Marsh Creek Concrete, Inc. for the 2019 Betts Circle Drainage project in the reduced amount of \$23,620.30. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Schuler made a motion seconded by member Fitzgerald to approve Task Order 131216.26 from JEO Consulting Group, Inc. for the 2020 Asphalt Overlay project. The task order authorized JEO to begin preparing plans for the asphalt areas. They plan to bid no later than February. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Schuler to approve Task Order 131216.27 from JEO Consulting Group, Inc. for the 2020 Adams Street Corridor project – Phases 2 and 3. Corban Helmandollar, Maintenance Supervisor, explained that typically with a project there are 30%, 60%, and 90% plan meetings between JEO and the city, so that the city can have input. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Member Schuler made a motion seconded by member Fitzgerald to approve Task Order 131216.19 from JEO Consulting Group, Inc. for the 2020 7th and Monroe Intersection Improvements project pending approval of separate NGPC agreement for the continuation of this project, contingent on Game & Parks and NDOT moving forward with the project. If the project moves forward, it will not begin until 2021. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Schuler to approve an agreement from Thiele Geotech for a geotechnical subsurface investigation for the 2020 Asphalt Overlay project. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Prieksat introduced **Resolution 2019-10 – Signing of the Municipal Annual Certification of Program Compliance Form 2019** 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 most of all members of the Council, the Mayor declared the Resolution adopted and, 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.

A true and complete copy of the said Resolution is as follows:

RESOLUTION 2019-10
SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2019

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be it resolved that the Mayor of the City of Fort Calhoun is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this 21st day of October, 2019 at Fort Calhoun, Nebraska.

ATTEST: Alicia Koziol, City Clerk

Member Prieksat introduced **Resolution 2019-11 – Adopting the One and Six Year Street Improvement Plan**. 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 most of all members of the Council, the Mayor declared the Resolution adopted and, 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.

A true and complete copy of the said Resolution is as follows:

RESOLUTION 2019-11

"WHEREAS, the City Street Superintendent has prepared a One Year and Six Year Plan for Street Improvement Program for the City of Fort Calhoun, and

WHEREAS, a public meeting was held on the 21st day of October 2019, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Fort Calhoun, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted."

BE IT FURTHER RESOLVED THAT A CERTIFIED COPY OF SAID PLAN BE FILED WITH THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, STATE OF NEBRASKA.

ADOPTED THIS 21st DAY OF OCTOBER 2019.

Mitch Robinson, Mayor

Attest: Alicia Koziol, City Clerk

Member Schuler made a motion seconded by member Lammers to approve the appointment of James Totten to the Park Board Committee. With members Prieksat, Fitzgerald, Schuler, and Lammers voting “Aye”, motion carried.

Member Prieksat made a motion seconded by member Fitzgerald to approve the appointment of Elisabeth Dieteman to the Enhancement Committee. With members Lammers, Prieksat, Fitzgerald, and Schuler voting “Aye”, motion carried.

Mayor announced the open burn dates will be Saturday, November 2nd – Sunday, November 24th.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:20 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk