

SEPTEMBER 16, 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 7:01, on Monday, September 16, 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.

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

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

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

(The consent agenda included: August 19, 2019 & August 28, 2019 City Council minutes; August Treasurers Report; September 3, 2019 Planning Commission minutes; September 5, 2019 Park Board minutes; August 26, 2019 Enhancement Committee minutes; Maintenance Report; August 2019 Washington County Sheriffs Report)

Member Prieksat made a motion seconded by member Schuler to approve the following bills: OPPD, 2902.33, utl; MUD, 84.00, utl; Papio M-R NRD, 10084.36, water; Abe's Trash, 179.70, ser; Access Systems Leasing, 187.44, sup; Accurate Locksmiths, 523.50, ser; Aflac, 567.96, ben; Am. Broadband, 537.40, utl; Andy's Mow Town, 42.48, sup; Blair Chamber, 250.00, memb; Blair Garden Center, 1935.00, sup; Bomgaars, 1211.63, sup; Carquest, 6.79, sup; Cedar Construction, 27947.50, contract; Chase, 57408.75, bond; City of Blair, 6518.69, ser; Conoco Fleet, 342.95, ser; EFTPS, 2396.84, payroll tax; Enterprise Media, 184.05, ser; Fastenal, 28.93, sup; JEO Consulting, 2417.50, ser; League of Munic., 3100.00, memb; Logos Plus, 127.06, ser; Long's Ok Tire, 15.00, ser; Martin Marietta, 351.06, sup; Midwest Coatings, 66148.80, contract; NE Dept Rev-Waste, 25.05, tax; NE DHHS, 15.59, ser; NE DHHS Drinking Water, 260.00, training; NE Public Health Env Lab, 15.00, test; NE Sales Tax, 3420.45, tax; Nebraska Sweeping, 1843.57, contract; One Call Concepts, 53.87, ser; Plains Equip., 218.34, ser; Postmaster, 141.40, ser; Quality Pest Control, 125.00, ser; Quill, 127.25, sup; Rock Hard, 3901.00, contract; Talbot Law, 2030.00, ser; United Healthcare, 6747.74, ins; Utilities Section-League, 518.00, memb; Verizon, 130.74, exp; VISA(Two Rivers), 583.99, sup; Washington County Sheriff, 5660.72, ser; Woods & Aitken, 200.50, ser; with members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

The public hearing RELATIVE TO HEARING SUPPORT, OPPOSITION, CRITICISM, SUGGESTIONS OR OBSERVATIONS OF TAXPAYERS RELATING TO THE PROPOSED BUDGET opened at 7:03 p.m. There were no written comments. Mayor Robinson addressed the concerns over the increase in operating costs and explained the number of projects planned for the next fiscal year are due to the increase. Following comments by the council, City Engineer, Mark & Linda Welsher (1623 Clay St), and Sondra Bowser (1524 Monroe St), the public hearing closed at 7:24 p.m.

The public hearing RELATIVE TO HEARING SUPPORT, OPPOSITION, CRITICISM, SUGGESTIONS OR OBSERVATIONS OF TAXPAYERS RELATING TO SETTING THE FINAL TAX REQUEST AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR TAX REQUEST (LEVY) opened at 7:25 p.m. There being no written or public comments, the public hearing closed at 7:25 p.m.

The public hearing AN APPLICATION FROM NORTHERN HILLS VENTURES LLC FOR A REPLAT OF LOTS 1-8, BLOCK 9 OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA opened at 7:25 p.m. There were no written comments. Following discussion from the City Engineer, the public hearing closed at 7:28 p.m.

Member Fitzgerald made a motion to waive the field use fees for the legion, as requested by Roy Prauner. Member Prieksat seconded the motion. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Schuler made a motion to approve the Farm Lease and Security Agreement between the City of Fort Calhoun & C.E.M. Shaner Farms. Member Fitzgerald seconded the motion. With members Lammers, Fitzgerald, and Schuler voting "Aye", and Priksat abstaining, motion carried.

Member Priksat made a motion seconded by member Fitzgerald to approve Change Order No. 1 – REVISED from Midwest Coatings Company, Inc. in the amount of \$42,711.00 for the 2018 Street Maintenance project. With members Schuler, Lammers, Priksat, and Fitzgerald voting "Aye", motion carried.

Member Priksat made a motion seconded by member Lammers to approve Pay Application No. 2 from Midwest Coatings Company, Inc. in the amount of \$66,148.80 for the 2018 Street Sealing and Repairs project. With members Fitzgerald, Schuler, Lammers, and Priksat voting "Aye", motion carried.

Member Schuler made a motion seconded by member Priksat to approve Change Order No. 3 from Midlands Contracting, Inc. extending the completion date to June 1, 2020 for the 2018 Sanitary Sewer Rehabilitation project. With members Priksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Priksat made a motion seconded by member Schuler to approve Change Order No. 1 from Cedar Construction in the deductive amount of \$1,662.50 for the 2019 Adams Street Watermain Extension project. With members Lammers, Priksat, Fitzgerald, and Lammers voting "Aye", motion carried.

Member Priksat made a motion seconded by member Schuler to approve Pay Application No. 1 and Final from Cedar Construction in the amount of \$27,947.50 for the 2019 Adams Street Watermain Extension project. With members Schuler, Lammers, Priksat, and Fitzgerald voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Priksat to approve Change Order No. 1 from Rock Hard Concrete in the amount of \$3,901.00 for Group B of the 2019 Street Sealing and Repairs project. With members Fitzgerald, Schuler, Lammers, and Priksat voting "Aye", motion carried.

City Engineer, Lucas Billesbach, gave an update on the 2019 Betts Circle Drainage project. There has been some progress over the last month and the project should be complete in a couple weeks (weather permitting).

City Engineer reviewed the proposed 1 & 6 Year Road Plan. He explained that the state has changed how the process is done and shifted the timeline to be in line with budget. There will be a public hearing next month for the 1 & 6 Year Road Plan.

Member Fitzgerald introduced **Resolution 2019-8, Resolution setting the 2019-2020 Personal and Real Property Tax Request at \$207,406.59 for Principal and Interest on Bonds and \$288,914.00 for All Other Purposes, for a total of \$496,320.59** and moved for its passage and adoption. Motion seconded by member Schuler. On roll call the following voted "Aye": Priksat, Fitzgerald, Schuler, and Lammers. 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:

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Fort Calhoun, Nebraska passes by majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Nebraska that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Mayor and City Council of the City of Fort Calhoun, Nebraska, by majority vote, resolves that:

1. The 2019 - 2020 personal and Real Property Tax request be set at \$207,406.59 for Principal and Interest on Bonds and \$288,914.00 for All Other Purposes, for a total of \$496,320.59.

2. A copy of this resolution be certified and forwarded to the Washington County Clerk on or before September 18, 2019

3. Raising the 2019 Tax Rate to: 0.581697 (2018 Tax Rate was: 0.561282)

PASSED AND APPROVED this 16TH day of September 2019.

ATTEST:
Katie Knight, Treasurer

Member Prieksat made a motion to introduce **Ordinance 757** entitled:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Member Prieksat made a motion for final approval of Ordinance 757, and member Schuler seconded. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried

Member Schuler introduced **Resolution 2019-9, Accepting Replat-Northern Lights Addition** and moved for its passage and adoption. Motion seconded by member Prieksat. 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 2019-9

BE IT RESOLVED by the Mayor and City Council of the City of Fort Calhoun that the replat for the property legally described as lots 1-8, block 9 of the City of Fort Calhoun, Washington County, Nebraska is hereby approved.

Passed this 16th day of September 2019.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Fitzgerald made a motion to introduce **Ordinance 758** entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO FURTHER AMEND SECTION 8-110 OF THE FORT CALHOUN MUNICIPAL CODE INTENDED TO IDENTIFY ALL OFFICIAL OPERATIVE BUILDING CODES OF THE MUNICIPALITY; ADOPT RELEVANT CODES; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE FULLY EFFECTIVE.

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

Member Fitzgerald made a motion for final approval of Ordinance 758, and member Lammers seconded. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried

Member Prieksat made a motion seconded by member Schuler to adopt the schedule of Permit Fees for the City of Fort Calhoun. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 7:54 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk