

## SEPTEMBER 18, 2017 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, September 18, 2017 in the City Council Chambers/Library at the 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: Terry Fitzgerald, Nick Schuler, Lori Lammers, and Bob Prieksat.

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

Member Lammers made a motion seconded by member Schuler to approve the August 21, 2017 City Council minutes. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

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

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

OPPD, 3220.89, utl; MUD, 84.00, utl; Papio M-R NRD, 10426.57, water; A P Plumbing, 75.00, ser; Abe's Trash, 100.24, ser; Aflac, 241.44, ben; Am. Broadband, 602.83, utl; Andy's Mow Town, 229.98, sup; Blair Area Chamber, 250.00, membership; Bomgaars, 430.31, sup; Chase Bank, 57983.75.00, wire; City of Blair, 5052.50, ser; Conoco Fleet, 464.68, ser; Data Technologies, 170.00, training; Enterprise Pub, 140.85, ser; Federated Ins., 5234.16, hlth ins; JEO Consulting, 13848.50, ser; Loveland Grass Pad, 1165.70, sup; Martin Marietta, 715.73, sup; Midwest Coatings, 25705.45, ser; NE Public Health Lab, 15.00, test; NE Sales & Use, 3583.08, tax; Nelson Const., 1500.00, ser; NMC, 274.14, ser; One Call Concepts, 57.24, ser; Postmaster, 107.07, sup; SE Smith, 56.00, sup; Shaw Hull & Navarrette, 3662.00, ser; SolutionOne, 147.43, sup; Thiele Geotech, 1236.00, ser; United Rent All, 217.53, sup; Verizon, 123.10, exp; VISA(Two Rivers), 286.14, sup; Wash. Co. Sheriff, 10853.14, ser;

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

Member Schuler made a motion seconded by member Prieksat to approve the September 5, 2017 Planning Commission minutes. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Member Schuler made a motion seconded by member Lammers to approve the September 7, 2017 Park Board minutes. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Prieksat to approve the August 28, 2017 Enhancement minutes. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Member Fitzgerald made a motion seconded by member Prieksat to approve the August 15, 2017 Christmas in Calhoun minutes. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

The August-September maintenance report was placed on file.

The public hearing to consider the adoption of The Amendment of the Future Land Use Plan of the City of Fort Calhoun Comprehensive Plan opened at 7:07 P.M. Kevin Anderson, with JEO, gave a presentation. He explained the process of the two public hearings and what to consider when reviewing both the Future Land Use amendment and the Zoning Map amendment. He discussed consulting the Comprehensive Plan and looking at surrounding land uses and transportation and utility infrastructure. Kevin also discussed the setbacks and maximum allowed lot size for the multi-family residential zoning district. Member Lammers asked if its permitted to put more than one three-unit buildings on the property being considered. Kevin said it would be permitted, without a conditional use permit, to put multiple three-unit buildings on the property if they meet the setback and lot requirements. Rich Gochanour, 704 N. 13<sup>th</sup> St., asked about if the 70 feet maximum was only three stories tall? Kevin said that with the pitch of roof and everything in the building design, this would be considered three stories. Bob Lammers, 120 N. 14<sup>th</sup> St., asked how many three-plex buildings you could put on the property and said that according to the regulations, its allows for almost 24 three-plex buildings, with setbacks and maximum coverage of property, without having to get a conditional use permit. Kevin said it would all depend on the lay out, how many stories, and based off the total lot size, parking requirements etc. Meeting with all building regulations. The public hearing closed at 7:27 P.M.

The public hearing to consider the possible rezoning of tax lot 154 of block 3, located at 13<sup>th</sup> St. & Stevenson opened at 7:27 P.M. Autumn Pointe, Fort Calhoun residents, Mike Smith, and Ritch Nelson sent in written comments regarding the possible rezoning, which were read aloud by the clerk and copies were given to each City Council member. With no public comments, the public hearing closed at 7:39.

Member Lammers made a motion seconded by Member Fitzgerald to approve the request from Dorothy Turly to close 15<sup>th</sup> Street from Monroe to Lincoln Street on September 30<sup>th</sup> for the Heritage Days parade. The parade will start at 9:00 a.m. and last about 45 minutes. With members Fitzgerald, Schuler Lammers, and Prieksat voting "Aye", motion carried.

Dave Genoways gave an update on upcoming events at Fort Atkinson and the history on the proposed signage. Council tabled the request for new signs until next month.

Member Prieksat made a motion seconded by member Lammers to approve the request for \$1,000 in Keno funds for a 1/6 page advertisement in Nebraska Traveler Magazine, with the Council voting on the content that is published. The publication will feature tourist attractions in Fort Calhoun. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Zach Schulz, Project Engineer, gave an update on the 2016 Water System Improvements. The second connection is up and running and they are close to substantial completion.

Member Fitzgerald made a motion seconded by member Lammers to approve Pay Application No. 5 in the amount of \$29,536.09 to Nelson Construction for the 2016 Water System Improvements. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Zach Schulz gave an update on the 2016 Sanitary Sewer project. They are done with the slip lining and are now focusing on manhole repair. Project should be complete in about two weeks.

Member Lammers made a motion seconded by member Fitzgerald to approve Pay Application No. 2 in the amount of \$30,435.74 to Midlands Contracting for the 2016 Sanitary Sewer Rehabilitation Improvements. With members Fitzgerald, Schuler, Lammers, and Prieksat voting "Aye", motion carried.

Zach Schulz gave an update on the 2016 Street Improvement projects. Construction on Washington Street is almost done, just working on a punch list before total completion. Cherry Hills project will begin September 25<sup>th</sup>.

Member Prieksat made a motion seconded by member Schuler to approve Change Order No. 1 in the amount of \$2,235.60 and 21 additional days for the 2016 Street Improvements Project – Group A. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Schuler to approve Pay Application No. 2 in the amount of \$82,184.74 to Rock Hard Concrete for the 2016 Street Improvements Project – Group A. With members Lammers, Prieksat, Fitzgerald, and Schuler voting "Aye", motion carried.

Mayor Robinson introduced the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND THE CITY'S FUTURE LAND USE MAP TO AMEND TAX LOT 154 OF BLOCK 3, FROM SINGLE FAMILY RESIDENTIAL TO MULTI FAMILY RESIDENTIAL; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE 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 Fitzgerald seconded the motion to suspend the rules and upon roll call vote, the following Members voted "Aye": Schuler, Lammers, Prieksat, and Fitzgerald. 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. 727 was then read by title and Member Prieksat moved for its final passage, which motion was seconded by Member Fitzgerald. The Mayor stated the question "Shall Ordinance No. 727 be passed and adopted?" Upon roll call, the following voted "Aye": Fitzgerald, Schuler Lammers, and Prieksat.

The passage and adoption of said Ordinance having been concurred in by most all the members of the City Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the City Council, signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

Mayor Robinson introduced the following ordinance entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND THE CITY'S ZONING MAP TO AMEND TAX LOT 154 OF BLOCK 3, FROM TA-1 TRANSITIONAL AGRICULTURAL DISTRICT TO R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE 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 Fitzgerald seconded the motion to suspend the rules and upon roll call vote, the following Members voted "Aye": Prieksat, Fitzgerald, Schuler, and Lammers. 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. 728 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. 728 be passed and adopted?" Upon roll call, the following voted "Aye": Lammers, Prieksat, Fitzgerald, and Schuler.

The passage and adoption of said Ordinance having been concurred in by most all the members of the City Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the City Council, signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is on file at the city office during normal business hours.

Member Prieksat introduced Resolution No. 2017 - 6 (*to be corrected*) 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:

NOW THEREFORE BE IT RESOLVED that the City Council has approved on this date the purchase of Welchert-Knight Commercial Park addition, Lot 1, Washington County, NE, for \$75,000.00 and to include attorney fee's, pursuant to Nebraska State Statute 17-953.01.

PASSED AND APPROVED this 18th day of September, 2017.

CITY OF FORT CALHOUN, NEBRASKA  
Mitch Robinson, Mayor

ATTEST:  
Alicia Stevens, City Clerk

Member Lammers introduced Resolution No. 2017 – 7 (*to be corrected*) 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 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:

BE IT RESOLVED BY THE CITY COUNCIL OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA:

WHEREAS, the City Council of Fort Calhoun has chosen to use a construction management at risk contract pursuant to the Political Subdivision Construction Alternative Act (the "Act") for the purpose of constructing a new maintenance building.

WHEREAS, the City Council will adopt policies pursuant to the Act following the adoption of this Resolution. The City Council will then proceed and follow all of the other provisions of Sections 13-2901 to 13-2914 of the Act.

NOW, THEREFORE, be it authorized that the City of Fort Calhoun shall use a construction management at risk contract, pursuant to the Act and abide by all of the provisions of the Act set forth in Sections 13-2901 to 13-2914.

IT IS FURTHER RESOLVED, that the Mayor is authorized to sign this Resolution on behalf of the City Council.

PASSED AND APPROVED this 18th day of SEPTEMBER, 2017.

CITY OF FORT CALHOUN, NEBRASKA

Mitch Robinson, Mayor

ATTEST:

Alicia Stevens, City Clerk

Member Prieksat made a motion seconded by member Fitzgerald to approve the addendum to the 2016-2018 Washington County Law Enforcement Services Agreement between Washington County and City of Fort Calhoun. With members Prieksat, Fitzgerald, Schuler, and Lammers voting “Aye”, motion carried.

Member Fitzgerald made a motion seconded by member Prieksat to approve Advantage Lawn Care’s bid in the amount of \$5,121.00 for the install and take-down of Christmas lights on Main Street. With members Lammers, Prieksat, Fitzgerald, and Schuler voting “Aye”, motion carried.

City Council & employee workshop will be held on Monday, October 9<sup>th</sup> at 6:00 p.m. in the Fort Calhoun Library.

Following a motion by member Fitzgerald, seconded by member Prieksat and vote, Mayor Robinson declared the meeting adjourned at 8:35 p.m.

Mitch Robinson, Mayor

ATTEST:

Alicia Stevens, City Clerk