

## ***JUNE 21, 2021 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, on Monday, June 21, 2021 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.

Advance notice of this meeting was also given to the Mayor and all Council Members. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council Members.

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: Andy Bowser, Bob Prieksat, Nick Schuler, and John Kelly.

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 led those present in the Pledge of Allegiance.

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

Member Prieksat made a motion seconded by member Schuler to approve the following consent agenda: *May 17, 2021 City Council minutes, Treasures Report for May 2021, June 7, 2021 Planning Commission minutes, May 25, 2021 Enhancement Committee minutes, Maintenance Report, May 2021 Washington County Sheriff's Statistics*; with members Kelly, Bowser, Prieksat, and Schuler voting "Aye", motion carried.

The June 3, 2021 Park Committee minutes were removed from the consent agenda for further discussion. Council discussed the Splash Pad Rules that the Park Committee recommended. Member Schuler made a motion seconded by member Bowser to approve the rules and include a couple additional rules. With members Schuler, Kelly, Bowser, and Prieksat voting "Aye", motion carried.

Mayor Robinson presented the bills. Member Prieksat made a motion seconded by member Schuler to approve the following bills: ABE'S TRASH SERVICE, INC. - 2560.21, ACREAGE FENCES INC - 2330.10, AFLAC - 206.54, AMERICAN BROADBAND - 512.81, ANDY'S MOW TOWN, INC. - 697.51, BLAIR GARDEN CENTER & GREENHOU - 151.83, BOBCAT OF OMAHA - 3500.00, BOK FINANCIAL - 4745.00, BOMGAARS - 156.62, CHASE BANK - 52687.50, CITY OF BLAIR - 3857.26, CLINE WILLIAMS - 470.00, COLONIAL RESEARCH - 548.07, CONOCO FLEET - 337.53, CORE & MAIN - 320.72, EFTPS - 1819.37, ELECTRIC PUMP, INC. - 265.30, ENTERPRISE MEDIA GROUP - 55.35, 7.65, 98.55, 15.75, 22.95, HOME DEPOT CREDIT SERVICES - 73.78, JDW MIDWEST, LLC - 275.00, JEO CONSULTING GROUP, INC. - 5215.00, KATE'S COMPLETE LAWN CARE - 50.00, M.U.D. - 96.36, MULHALL'S LANDSCAPE - 7757.03, NE PUBLIC HEALTH ENV LAB - 15.00, NEBRAKSA DEQ - 15203.32, NEBRASKA DEPT OF REV - 248.64, NEBRASKA SALES TAX - 3445.94, O.P.P.D. - 2961.26, ONE CALL CONCEPTS, INC - 18.44, PAPIO-MISSOURI RIVER N. R. D. - 4801.15, 1337.73, POSTMASTER - 146.65, SENSUS METERING SYSTEMS - 1949.94, TALBOT LAW OFFICE - 840.00, THE AMERICAN FUNDS GROUP - 1190.27, THE SIGN DEPOT - 90.58, UNITED HEALTHCARE - 4728.71, VERIZON - 123.39, VISA - 2389.71, WASHINGTON COUNTY SHERIFF - 6008.74, Total - 134333.26; with members Schuler, Kelly, Bowser, and Prieksat voting "Aye", motion carried.

The public hearing to CONSIDER THE PRELIMINARY AND FINAL PLAT APPLICATIONS FOR THE SUBDIVISION OF OHANA ACRES LOTS 1 THRU 2, BEING A PLATTING OF TAX LOT 164, LYING IN SECTION 14, T17N, R12E OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA opened at 7:07 p.m. There were no written or public comments. The public hearing closed at 7:07 p.m.

Michelle Tjardes expressed her concerns with dogs running loose around town and on resident's property. Kevin Willis, Chief Deputy, discussed the issue and advised residents to contact the sheriff's office when a dog is loose.

Member Schuler made a motion seconded by member Kelly to approve the Knights of Columbus annual Big Red Dinner on August 21st at Schwertly Hall. With members Bowser, Prieksat, Schuler, and Kelly voting "Aye", motioned carried.

Julie Ashton with the Washington County Museum discussed a partnership between the museum and city to create historic signage throughout Fort Calhoun. She requested the use of the Cares Act Funds. Council said they would look into how the funds can be used and distributed.

Lucas Billesbach, City Engineer, discussed Task Order 131216.29 for the 2021 Adams Street Plaza Phase 4 & 5 with JEO Consulting Group, Inc. He said the city was awarded the trail grant, which would cover a portion of phase 4. Lucas explained that engineering and design fees for the trail are included in the grant. The mayor said that individuals were interested in donating time or funds to the remaining projects. Member Schuler made a motion to approve the Task Order. Motion died due to lack of second.

Member Schuler made a motion seconded by member Kelly to approve **Amended Resolution 2021-5 – Accepting Annexation (2018-4)**. With members Schuler and Kelly voting "Aye", member Bowser voting "Nay", member Prieksat abstaining, motion carried.

Member Schuler made a motion seconded by member Kelly to approve **Amended Resolution 2021-7 – Accepting Annexation (2018-12)**. With members Schuler and Kelly voting "Aye", members Bowser and Prieksat voting "Nay", and the mayor Robinson voting "Aye", motion carried.

Member Schuler made a motion seconded by member Kelly to approve **Amended Resolution 2021-8 – Accepting Annexation (2018-16)**. With members Schuler and Kelly voting "Aye", members Bowser and Prieksat voting "Nay", and the mayor Robinson voting "Aye", motion carried.

Member Prieksat introduced **Ordinance 777** entitled:

AN ORDINANCE AMENDING ARTICLE V – NUISANCES 3-504: NOTICE PROCEDURE; ABATEMENT AND SECTION 3-505 SECOND OFFENSE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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 Schuler, Kelly, Bowser, and Prieksat voting "Aye", motion carried.

Member Prieksat made a motion for final approval of Ordinance 777 and member Schuler seconded. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Member Prieksat introduced **Ordinance 778** entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SEWER BONDS, SERIES 2021, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000) TO PROVIDE PERMANENT FINANCING TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN STORM WATER SEWER IMPROVEMENT DISTRICT NO. 2019-1 PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; DECLARING AN EMERGENCY; PROVIDING FOR THIS ORDINANCE TO TAKE EFFECT UPON PROCLAMATION BY THE MAYOR IMMEDIATELY UPON ITS POSTING; AND PROVIDING FOR FURTHER PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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 Bowser, Prieksat, Schuler, and Kelly voting "Aye", motion carried.

Member Prieksat made a motion for final approval of Ordinance 778 and member Bowser seconded. With members Kelly, Bowser, Prieksat, and Schuler voting "Aye", motion carried.

Member Schuler introduced **Resolution 2021-9 – Ohana Acres Replat** and moved for its passage and adoption. Member Schuler seconded the motion. On roll call the following voted "Aye": Schuler, Kelly, Bowser, 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 NO. 2021-09**

BE IT RESOLVED by the Mayor and City Council of the City of Fort Calhoun that the replat for the property legally described as Ohana Acres, Tax Lot 164 Lots 1-2 of the City of Fort Calhoun, Washington County, Nebraska is hereby approved.

Passed this 21st day of June 2021.

Mitch Robinson  
Mayor

ATTEST:  
Alicia Koziol, City Clerk

**Resolution 2021-10 – Hazard Mitigation Plan Adoption** was tabled.

Member Schuler introduced **Resolution 2021-11 – Traffic Control – Stop Sign on Adams Street at 13th Street Assistance** and moved for its passage and adoption. Member Bowser seconded the motion. On roll call the following voted “Aye”: Bowser, Prieksat, Schuler, and Kelly. 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 NO. 2021-11  
(Traffic Control)**

WHEREAS, Section 4-110 of the Municipal Code of the City of Fort Calhoun, provides that the governing body may, by resolution, provide for the placing of stop signs or other signs for the purpose of stopping or regulating traffic on any street or alley within the Municipality's jurisdiction.

WHEREAS, the City of Fort Calhoun, Nebraska is interested in the public health and safety of the citizens of the City; and,

WHEREAS, the City of Fort Calhoun, Nebraska desires to establish the following traffic control, to-wit:  
Requiring a complete stop on Adams Street when traveling east at 13th Street under the City's statutorily granted regulation powers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

1. The following traffic regulation and/or regulating device is adopted, to-wit:  
A Stop Sign on the southwest corner of Adams Street at 13th Street
2. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, that following the passage and publication of this resolution it shall be unlawful for any person to fail, neglect or refuse to comply with any such stop sign.

ADOPTED THIS 21st DAY OF JUNE 2021.

Mitch Robinson  
Mayor

ATTEST:  
Alicia Koziol, City Clerk

Member Prieksat introduced **Resolution 2021-12 – Code Violation Fee Schedule** and moved for its passage and adoption. Member Schuler seconded the motion. On roll call the following voted “Aye”: Kelly, Bowser, Prieksat, and Schuler. 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 NO. 2021-12**

THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA have adopted the following fines for code violations to be used and implemented by the Washington County Court and the Washington County Sheriff's Department in enforcing ordinances and citing ordinance violations identified in the Fort Calhoun Municipal Code:

**CHAPTER 3- MISDEMEANORS**

**ARTICLE 1 – GENERAL MISDEMEANORS**

3-119	DISORDERLY CONDUCT	1st OFFENSE	\$100.00
		2nd OFFENSE	\$150.00
		3rd OFFENSE	\$200.00
3-121	DISTURBING THE PEACE	Same as above	
3-122	EXCESSIVE NOISE	1st OFFENSE	\$25.00 & Any licensing fees
		2nd OFFENSE	\$50.00
		3rd/subsequent	\$100.00
3-128	CURFEW	Same as above	
3-130	LITTERING	Same as above	
3-131	POSTING NOTICES	Same as above	
3-133	APPLIANCE OUTDOORS	Same as above	

**ARTICLE 2 – DOGS**

3-202	RABIES VACCINATION	1st OFFENSE	\$25.00 & Any licensing fees
		2nd OFFENSE	\$50.00
		3rd/subsequent	\$100.00
3-203	LICENSING TAX; RABIES CERT	Same as above	
3-205	WRONGFUL LICENSING	Same as above	
3-206	NUMBER RESTRICTED	1st OFFENSE	\$100.00
		2nd OFFENSE	\$150.00
		3rd OFFENSE	\$200.00
3-207	RESTRAINT; TETHERS	Same as above	
3-208	REMOVAL OF COLLAR/TAGS	1st OFFENSE	\$25.00 & Any licensing fees
		2nd OFFENSE	\$50.00
		3rd/subsequent	\$100.00
3-209	RUNNING AT LARGE	Same as above	
3-210	DAMAGE TO PROPERTY; OWNER LIABILITY	Same as above	
3-211	BARKING/OFFENSIVE BEHAVIOR COMPLAINT	Same as above	
3-213	FIGHTING	1st OFFENSE	\$100.00
		2nd OFFENSE	\$150.00
		3rd OFFENSE	\$200.00
3-214	UNLAWFUL USE; CRIMINAL ACTS	1st OFFENSE	\$25.00 & Any licensing fees
		2nd OFFENSE	\$50.00
		3rd/subsequent	\$100.00
3-216	RABIES PROCLAMATION	Same as above	
3-218	POTENTIALLY DANGEROUS DOGS; DETERMINATION	Same as above	

3-220	DANGEROUS DOGS & POTENTIALLY; GENERALLY	1st OFFENSE 2nd OFFENSE 3rd OFFENSE	\$100.00 \$150.00 \$200.00
3-222	DANGEROUS DOG & POTENTIALLY; PROOF OF INSURANCE	Same as above	
3-223	DANGEROUS DOGS & POTENTIALLY; SPAYING OR NEUTERING; MICROCHIP; LICENSE	Same as above	
3-224	DANGEROUS DOGS & POTENTIALLY; CLASSES REQUIRED	Same as above	
3-225	DANGEROUS DOGS & POTENTIALLY; REQUIRED LEASH, MUZZLE & HARNESS	Same as above	
3-226	DANGEROUS DOG; REGISTRY	Same as above	
3-227	DANGEROUS DOG; CONFINED	Same as above	
3-228	DANGEROUS DOGS; WARNING SIGNS REQUIRED	Same as above	

#### ARTICLE 3 – KENNELS

3-302	UNLICENSED KENNEL; NUISANCE	1st OFFENSE 2nd OFFENSE 3rd OFFENSE	\$100.00 \$150.00 \$200.00
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#### ARTICLE 4 – ANIMALS GENERALLY

3-403	RUNNING AT LARGE	1st OFFENSE 2nd OFFENSE 3rd/subsequent	\$25.00 & Any licensing fees \$50.00 \$100.00
3-404	FOWLS; WRITTEN PERMISSION	Same as above	
3-405	FOWLS; RUNNING AT LARGE	Same as above	
3-409	DANGEROUS ANIMALS; DEFINITION PROHIBITION; EXCEPTIONS	1st OFFENSE 2nd OFFENSE 3rd OFFENSE	\$100.00 \$150.00 \$200.00

#### ARTICLE 5 – NUISANCES

3-501	PUBLIC NUISANCES PROHIBITED	1st OFFENSE 2nd OFFENSE 3rd OFFENSE	\$100.00 \$150.00 \$200.00
3-504	NOTICE PROCEDURE; SEE IPMC	1st OFFENSE 2nd OFFENSE 3rd/subsequent	\$25.00 & Any licensing fees \$50.00 \$100.00

### CHAPTER 4 - VEHICLES AND TRAFFIC

#### ARTICLE 2 – PARKING

4-205	MAXIMUM TIME LIMIT	1st OFFENSE 2nd OFFENSE 3rd/subsequent	\$25.00 & Any licensing fees \$50.00 \$100.00
4-206	TRUCKS	Same as above	

### CHAPTER 6 – PUBLIC WAYS AND PROPERTY

#### ARTICLE 1- MUNICIPAL PROPERTY

6-106	SIDEWALK SPACE; TREES; PERMIT	1st OFFENSE 2nd OFFENSE 3rd/subsequent	\$25.00 & Any licensing fees \$50.00 \$100.00
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6-108	OVERHANGING BRANCHES; OBSTRUCTING GROWTH	Same as above
6-111	EAVE AND GUTTER SPOUTS	Same as above

**ARTICLE 2 - STREETS**

6-205	SNOW, DEBRIS, ETC	1st OFFENSE	\$25.00 & Any licensing fees
		2nd OFFENSE	\$50.00
		3rd/subsequent	\$100.00

**CHAPTER 7 – PUBLIC UTILITIES**

**ARTICLE 3 – SEWER DEPARTMENT**

7-303	UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES	1st OFFENSE	\$25.00 & Any licensing fees
		2nd OFFENSE	\$50.00
		3rd/subsequent	\$100.00

**CHAPTER 9 – BUILDING REGULATIONS**

**ARTICLE 6- SWIMMING POOLS**

9-604 REGULATIONS	1st OFFENSE	\$100.00
	2nd OFFENSE	\$150.00
	3rd OFFENSE	\$200.00

All fine schedules and amendments there to previously adopted are superseded by this schedule.

This Resolution adopted this 21st day of June 2021.

Mitch Robinson  
Mayor

ATTEST:  
Alicia Koziol, City Clerk

Corban Helmandollar, Maintenance Supervisor, discussed the different Street Sweeping options. Member Prieksat made a motion seconded by member Schuler to get a Street Sweeper by sealed bid. With members Schuler, Kelly, Bowser, and Prieksat voting “Aye”, motion carried.

Discussion and possible action of Street Sweeper contracts was tabled.

Member Bowser discussed the 13th & Court Street parking issue. He talked to the owner of the Fort Bar and he said he has asked his customers to not block driveways.

Member Prieksat made a motion seconded by member Kelly to appoint Bryan Therkildsen to the Planning Commission. Brian Lasher moved out of city limits and could no longer be on the Planning Commission. With members Kelly, Bowser, Prieksat, and Schuler voting “Aye”, motion carried.

Member Schuler made a motion seconded by member Prieksat to appoint Lori Lammers to the Enhancement Committee. The mayor explained that Lori was on the Enhancement Committee as a council representative, so she needed to be appointed as a member now that she is no longer on council. With members Schuler, Kelly, Bowser, and Prieksat voting “Aye”, motion carried.

Member Prieksat made a motion seconded by member Schuler to appoint Mike Smith to the Board of Adjustment. With members Prieksat, Schuler, Kelly, and Bowser voting “Aye”, motion carried.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:08 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk