

APRIL 17, 2023 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, April 17, 2023, at the Fort Calhoun Council Chamber, 110 S 14th St, 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, John Kelly, Bob Prieksat, and Nick Schuler.

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 treasurer recorded the proceedings.

Member Schuler made a motion seconded by member Bowser to approve the following consent agenda items: *March 20, 2023 City Council minutes; March 27 Special City Council minutes; Treasures Report for March; April 6, 2023 Park Committee minutes; Maintenance Report; March 2023 Washington County Sheriff's Statistics.* With members Schuler, Bowser, Kelly, and Prieksat voting "Aye", motion carried.

Mayor Robinson presented the bills. Member Schuler made a motion seconded by member Bowser to approve the following bills: ABE'S PORTABLES - 125.00, SER, ABE'S TRASH SERVICE, INC. - 318.75, SER, ACCESS SYSTEMS LEASING - 343.17, SUP, AFLAC - 118.95, 16.25, BENE, AMGL CPAS & ADVISORS - 8400.00, PROF, BLAIR ACE HARDWARE - 14.98, SUP, BLUECROSS BLUESHIELD OF NE - 3185.33, INS, BOMGAARS - 102.64, SUP, CITY OF BLAIR - 3404.69, UTL, CLINE WILLIAMS - 29.00, PROF, CONOCO FLEET - 681.44, FUEL, CORE & MAIN - 1150.87, SUP, EAKES OFFICE SOLUTIONS - 55.03, SUP, EFTPS - 1390.18, 325.16, 794.59, TAX, EMBRIS GROUP, LLC - 3191.25, PROF, EMC INSURANCE COMPANIES - 432.00, INS, ENTERPRISE MEDIA GROUP - 59.00, 18.90, 13.50, 112.50, 7.21, 17.10, 17.55, SER, FASTWYRE BROADBAND - 469.90, UTL, IDEAL PURE WATER - 55.75, SER, INTERNAL REVENUE SERVICE - 1159.51, TAX, JDW MIDWEST, LLC - 275.00, SER, JEO CONSULTING GROUP, INC. - 1000.00, 11400.00, SER, KAMB & C ENTERPRISES - 65.00, SER, M.U.D. - 303.92, UTL, MUTUAL OF OMAHA - 18.00, BENE, NE DEPT REV-LOTTERY TAX - 1655.00, TAX, NE PUBLIC HEALTH ENV LAB - 252.00, TEST, NEBRASKA DEPARTMENT OF REVENUE - 358.61, TAX, NEBRASKA SALES TAX - 2084.12, TAX, O.P.P.D. - 3143.79, UTL, ONE CALL CONCEPTS, INC - 35.16, SER, POSTMASTER - 204.96, SER, ROCKMOUNT RESEARCH & ALLOYS INC - 30.84, EXP, TALBOT LAW OFFICE - 1203.65, PROF, THE AMERICAN FUNDS GROUP - 1707.38, BENE, THREE RIVERS CLERKS ASSOC. - 30.00, DUES, UTILITIES SECTION-LEAGUE - 195.00, TRNG, UTILITIES SERVICE GROUP - 550.00, SER, VERIZON WIRELESS - 128.34, SER, VISA - 4909.04, EXP, WASHINGTON CO CHAMBER OF COMMERCE - 400.00, SER, WASHINGTON CO. REG. OF DEEDS - 10.00, SER, WASHINGTON COUNTY SHERIFF - 12987.52, SER; Total – 68957.53; with members Kelly, Prieksat, Schuler, and Bowser voting "Aye", motion carried.

The public hearing relating to the WATER RATE SCHEDULE FOR USERS OF THE CITY WATER SYSTEM OF THE CITY OF FORT CALHOUN, NEBRASKA opened at 7:06 p.m. There were no written or public comments. The public hearing closed at 7:08 p.m.

The public hearing relating to the SEWER RATE SCHEDULE FOR USERS OF THE CITY SEWER SYSTEM OF THE CITY OF FORT CALHOUN, NEBRASKA opened at 7:08 p.m. There were no written or public comments. The public hearing closed at 7:08 p.m.

The public hearing relating to THE PROPOSED CITY OF FORT CALHOUN NEBRASKA ECONOMIC DEVELOPMENT PLAN opened at 7:09 p.m. There were no written or public comments. The public hearing closed at 7:11 p.m.

Brad Earley, Washington County Chamber of Commerce Director, introduction and update. The Annual Golf Outing is May 12 and Gateway to the West June 8-11.

Lucas Billesbach, Embris Group, gave an update on the West Monroe Street Improvement District paving project. 90% plans should be wrapped up by mid-May, then will start on property acquisitions and easements. Once 90% plans are complete there will be another homeowner meeting.

Lucas gave a presentation on the proposed Connecting Fort Calhoun with Safe Transportation Alternatives project. This is an NDOT administered grant program. In Nebraska, \$12.5M has been allocated to communities with populations of 5,000 or less. The grant is 80% federal share, 20% local. Some of the benefits to this project are that it increases trail length, reduces housing structures with poor access route to school from 41% to 8%, improves existing pedestrian crossings in town, and provides a direct route from Fort Atkinson to downtown district. The total cost of the project is \$3,404,338. Federal share would \$2,73,471 and the City share would be \$680,868. Lucas proposed using City Sales Tax for the project. The grant is due April 30th and the city will be notified by July 31st. Pauline Pechnik, 1510 Betts Circle, expressed concerns of eminent domain. Mayor Robinson stated that they have had opportunities to use eminent domain before and don't see issues with it and that the city will not be ceasing peoples properties, it would just be ten or fifteen feet.

Council discussed vacant buildings on main street/the highway. The city staff will work with the attorney to send letters to business owners in downtown business district. Council will discuss in more detail next month and come up with a process and plan to handle them.

Member Prieksat introduced **Ordinance 800** entitled:

AN ORDINANCE IN COMPLIANCE WITH ARTICLE 1 SECTION 7-101 OF THE REVISED MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, SETTING UTILITY RATES FOR WATER CHARGES APPLICABLE TO ALL USERS OF THE CITY WATER SYSTEM; TO REPEAL ANY OTHER PRIOR RATE SCHEDULES FOR WATER CHARGES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.

Member Prieksat made a motion to waive the three readings. Member Kelly seconded the motion. With members Kelly, Prieksat, Schuler, and Bowser voting "Aye", motion carried. Member Prieksat made a motion for final approval of Ordinance 800 and option 2 and member Kelly seconded. With members Kelly, Prieksat, and Schuler voting "Aye", Bowser voting "Nay", motion carried.

Member Bowser introduced **Ordinance 801** entitled:

AN ORDINANCE IN COMPLIANCE WITH ARTICLE 1 SECTION 7-101 OF THE REVISED MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, SETTING UTILITY RATES FOR SEWER CHARGES APPLICABLE TO ALL USERS OF THE CITY SEWER SYSTEM; TO REPEAL ANY OTHER PRIOR RATE SCHEDULES FOR SEWER CHARGES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.

Member Bowser made a motion to waive the three readings. Member Schuler seconded the motion. With members Bowser, Kelly, Prieksat, and Schuler voting "Aye", motion carried. Member Prieksat made a motion for final approval of Ordinance 801 and option 2 and member Kelly seconded. With members Kelly, Prieksat, and Schuler voting "Aye", Bowser voting "Nay", motion carried.

Member Prieksat introduced **Ordinance 802** entitled:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTIONS 18-3301 OF THE REVISED STATUTES OF NEBRASKA, AS AMENDED, BY ANNEXATION THERETO A CERTAIN TRACT OF ADJACENT AND CONTIGUOUS LAND LYING WITHIN THE EXTRATERRITORIAL ZONING AND SUBDIVISION JURISDICTION OF THIS CITY PRESENTLY ZONED FOR AGRICULTURAL USE AND LEGALLY DESCRIBED AS SHOWN ON THE ATTACHED EXHIBIT "A" AND FURTHER INCORPORATED HEREIN.

Member Prieksat made a motion to waive the three readings. Member Schuler seconded the motion. With members Schuler, Bowser, Kelly, and Prieksat voting "Aye", motion carried. Member Prieksat made a motion for final approval and member Schuler seconded. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Member Schuler introduced **Resolution 2023-2 Approving the Fort Calhoun Economic Development Plan** and moved for its passage and adoption with a change to *Section IV -Workforce Housing Plan #1* in the plan. Member Prieksat 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.

**CITY OF FORT CALHOUN, NEBRASKA
RESOLUTION NO. 2023-2**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, ADOPTING THE ECONOMIC DEVELOPMENT PLAN.

RECITALS

- A. The Local Option Revenue Act, codified at NEB. REV. STAT. §§ 77-27,142 et seq. (the "Revenue Act") authorizes certain cities to impose a sales and use tax within such city after approval by a majority of qualified voters.
- B. On August 15, 2016, the City adopted Resolution No. 2016-6, which placed the question of whether a sales and use tax of one and one-half percent (1.5%) should be imposed within the City on the local November 2016 general election ballot.
- C. On November 8, 2016, a majority of the qualified electors of the City voted in favor of the 1.5% sales and use tax, authorizing the imposition of the sales and use tax pursuant to the Revenue Act.
- D. The Local Option Municipal Economic Development Act, codified at NEB. REV. STAT. §§ 18-2701 et seq. ("LB 840") authorizes the City, upon approval by qualified electors, to appropriate local sales and use tax for economic development purposes.
- E. The City of Fort Calhoun, Nebraska ("City") prepared an Economic Development Plan ("Plan") pursuant to LB 840, designed to implement the City's Economic Development Program ("Program"). The Plan is attached to this Resolution and incorporated herein by this reference and a copy has been filed with the City Clerk, who shall make it available for public review at City Hall during regular business hours.
- F. The Plan contemplates the appropriation of an amount not to exceed four-tenths of one percent (0.4%) of the City's existing sales and use tax imposition for Plan funding, which is anticipated to begin on June 1, 2023, following voter approval.
- G. After appropriate notice of public hearing was provided, the City Council held a public hearing on April 17, 2023, relating to the question of whether the Plan should be adopted and approved by the City. All interested parties were afforded a reasonable opportunity at such public hearing to express their views respecting the submitted question.

NOW THEREFORE, it is found by the City Council of the City of Fort Calhoun, Nebraska, in accordance with LB 840, as follows:

- 1. The Economic Development Plan, implementing the Economic Development Program, which provides for the appropriation of four-tenths of one percent (0.4%) of the currently imposed sales and use tax is hereby adopted by the City.
- 2. At the _____, 2023 _____ election, the ballot will include the opportunity for the qualified electors of the City to vote to approve or reject the appropriation of the sales and use tax for the Program and adopt the Plan for the City.
- 3. The following Proposition in the form shown below shall be submitted to the qualified electors of the City for their approval or disapproval at the election:

Proposition No. 1:

Shall the City of Fort Calhoun adopt the Economic Development Plan as described below by appropriating annually from the local sources of revenue approximately \$43,800 per fiscal year for a period of 10 years, if Proposition No. 1 passes:

_____ Yes (For adopting the Plan)
_____ No (Against adopting Plan)

Description of the Economic Development Plan: The Economic Development Plan, which implements the Program, as amended and adopted by the City Council, is summarized as follows:

- a. Plan Goals. The goal of the Plan is to generate additional quality employment opportunities in the City, grow and retain the local tax base, recruit new businesses and residents, retain existing businesses, revitalize the downtown central business district and assist in housing development.
 - b. Eligible Activities. Activities included in the Plan are direct loans or grants to qualifying businesses for fixed assets and/or working capital, loan guaranties for qualifying businesses, grants for public works improvements and job training, real estate purchases and options, issuance of bonds, the cost of implementing the program, grants or loans for construction or rehabilitation for sale or lease housing for persons of low to moderate income or as part of workforce housing plan, business recruitment activities, and site preparation and development.
 - c. Qualifying Businesses. Qualifying businesses include any corporation, partnership, or sole proprietorship regardless of its principal source of income.
 - d. Plan Duration. The Plan shall extend until May 30, 2039.
 - e. Collection Duration. The collection of funds for utilization by the Plan shall be permitted from June 1, 2023, until May 30, 2033.
 - f. Source of Funds. The source of the Economic Development Funds shall be the 1.5% City sales and use tax previously approved by voters in November of 2016. The City may issue bonds pursuant to the Local Option Municipal Economic Development Act.
 - g. Amount Collected. The estimated total amount to be collected from local sources of revenue is approximately \$438,000 over the 10-year period.
4. The electors desiring to vote in favor of or against Proposition No. 1 shall do so in the manner specified in the ballot form as provided by the County Clerk.
 5. The election shall be conducted by the County Clerk at polling places established by the County Clerk in each of the City's precincts. The polls shall be open from 7:00 a.m. through 7:00 p.m. on the day of the election.
 6. The foregoing notice required by law shall be published in the City Newspaper, a legal newspaper of general circulation in the City, not more than 30 days nor less than 10 days prior to the date of the election. The notice shall substantially comply with the following form:

**City of Fort Calhoun
Notice of Election**

Notice is given that at the _____ election on _____, _____, 2023, at the usual polling place in each precinct of the City, the ballot will include for the electors of the City of their approval or rejection, the following proposition:

[Insert text of Proposition No. 1 from Paragraph 3 of this Resolution in the notice]

The polls will be open from 7:00 a.m. through 7:00 p.m. on the election day. Absent, disable, and confined voters' ballots may be obtained from the County Clerk in advance as provided by law. Copies of the propositions may be obtained at the office of the City Clerk.

Dated: _____, 2023.

7. The City Clerk shall cause a certified copy of this Resolution to be delivered to the County Clerk.

BE IT FURTHER RESOLVED, that pursuant to the provisions of LB 840 and in light of the foregoing findings and determinations, the Economic Development Plan implementing the Economic Development Program is hereby approved and adopted by the City Council as the governing body for the City of Fort Calhoun.

Dated this 17 day of April, 2023.

THE CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:

Alicia Koziol, City Clerk

Member Schuler introduced **Resolution 2023-3 NDOT Transportation Alternatives Program** and moved for its passage and adoption. Member Prieksat 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.

RESOLUTION NO. 2023-3

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN:

WHEREAS, the City of Fort Calhoun, proposed to apply for assistance from the TRANSPORTATION ALTERNATIVES PROGRAM for the purpose of completing the "Connecting Fort Calhoun with Safe Transportation Alternatives" project consisting of the construction of new trail and sidewalk segments within the City of Fort Calhoun, and

WHEREAS, the City of Fort Calhoun commits to the projects development, implementation, construction, maintenance, management, financing, and

WHEREAS, the City of Fort Calhoun understands that property right-of-way may be necessary for completion of proposed project. The City of Fort Calhoun also understands that it may be necessary to acquire such property by condemnation which is defined as the legal process by which a governmental body exercises its right of "eminent domain" to acquire private property for public use. Condemnation includes a resolution of public need, an offer to purchase, and, if a negotiated purchase is not possible, then a condemnation suit.

WHEREAS, the proposed application and potential need to use condemnation to acquire property rights-of-way were made available for public review at a properly announced meeting of the CITY OF FORT CALHOUN;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN that the CITY OF FORT CALHOUN applies for assistance from the TRANSPORTATION ALTERNATIVES Program for the purpose of completing the "Connecting Fort Calhoun with Safe Transportation Alternatives" project consisting of the construction of new trail and sidewalk segments within the City of Fort Calhoun.

Passed and approved this 17th day of April 2023.

THE CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Schuler made a motion seconded by Kelly to approve paying off the cemetery assessment for Street Improvement District No. 2016-2 in the amount of \$17,492.03. With members Schuler, Bowser, Kelly, and Prieksat voting "Aye", motion carried.

Mayor Robinson appointed a five-member RFP evaluation committee for the Recreational Trail Program project. The committee will include Aaron Schrum, John Donovan, Ted Welchert, Jason Prieksat, and John Kelly. Member Bowser made a motion to approve the committee. Member Schuler seconded the motion. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Member Bowser made a motion seconded by member Prieksat to approve the replacement of Wastewater Pumpouse PLC by Electric Pump for \$22,620.00. With members Bowser, Prieksat, Schuler, and Kelly voting "Aye", motion carried.

After a 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, to discuss litigation at 8:25 p.m.

Mayor Robinson declared the meeting in open session at 8:30 p.m. No action was taken.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:31 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk

