

JUNE 19, 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, June 19, 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.

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, and Nick Schuler.

Council President Prieksat 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.

Council President Prieksat led those present in the Pledge of Allegiance.

With a quorum present, Council President Prieksat presided, and the treasurer recorded the proceedings.

Member Schuler made a motion seconded by member Bowser to approve the following consent agenda: *May 15, 2023 City Council minutes; Treasures Report for May; June 1, 2023 Park Committee minutes; April 24th & May 22nd Enhancement Committee minutes; Maintenance Report; May 1 2023 Washington County Sheriff's Statistics.* With members Kelly, Schuler, and Bowser voting "Aye", motion carried.

Council President Prieksat presented the bills. Member Schuler made a motion seconded by member Kelly to approve the following bills: ABE'S PORTABLES - 125.00, 225.92, SER; ABE'S TRASH SERVICE, INC. - 1410.25, SER; ACCESS SYSTEMS LEASING - 429.94, SER; AFLAC - 118.95, 16.25, 118.95, 16.25, BENE; BERGER, ELLIOTT & PRITCHARD - 3100.00, PROF; BCBS OF NE - 3185.33, HLTH INS; BOK FINANCIAL - 47360.00, 11300.00, 2700.00, 58453.75, PYMT; BOMGAARS - 159.60, SUP; BOWSER TRANSFER LLC - 106.30, SER; CALHOUN AUTO REPAIR INC. - 578.45, EXP; CENTRAL TAX & BOOKKEEPING SERVICES - 720.00, SER; CHASE BANK - 56375.00, PYMT; CITY OF BLAIR - 2866.68, UTL; CNA SURETY - 625.00, EXP; COLONIAL RESEARCH - 160.47, SUP; CONOCO FLEET - 356.81, FUEL; EFTPS - 1370.30, 320.48, 792.58, 1360.30, 318.14, 791.50; ELECTRIC PUMP, INC. - 23669.00, EXP; EMBRIS GROUP, LLC - 11747.50, PROF; ENTERPRISE MEDIA GROUP - 108.00, 9.90, 21.71, 7.21, 22.50, 25.20, SER; FASTWYRE BROADBAND - 170.59, UTL; IDEAL PURE WATER - 31.25, SER; JDW MIDWEST, LLC - 275.00, SER; JEO CONSULTING GROUP, INC. - 275.00, 587.50, SER; JUDY BOYD - 58.26, REIMB; KAMB & C ENTERPRISES - 65.00, 65.00, SER; KINGHORN GARDENS - 2500.00, EXP; LORRINE LAMMERS - 252.31, REIMB; M.U.D. - 96.90, UTL; MARTIN MARIETTA MATERIALS - 350.70, EXP; MUTUAL OF OMAHA - 18.00, 18.00, INS; NEBRASKA DEQ - 15054.29, EXP; NE DPET OF REVENURE - 356.12, 354.40, TAX; OPPD - 3209.83, UTL; ONE CALL CONCEPTS, INC - 61.78, SER; PAPIO-MISSOURI RIVER N. R. D. - 5331.85, 2194.17, UTL; POSTMASTER - 206.88, EXP; POUNDS PRINTING - 65.44, EXP; QUILL - 46.98, SUP; ROCKMOUNT RESEARCH & ALLOYS INC - 527.95, SUP; SHOTWELL GLASS - 153.45, EXP; TALBOT LAW OFFICE - 743.10, PROF; AM FUNDS GROUP - 1676.91, 1709.05, BENE; THIELE GEOTECH, INC. - 784.00, EXP; VERIZON - 128.25, SER; VISA - 1415.65, SUP; WASH CO BANK - 12630.79, 6660.96, PYMT; WASHINGTON CO COMMUNITY FOUNDATION - 1000.00, EXP; WASHINGTON CO. REG. OF DEEDS - 50.00, SER; WASHINGTON COUNTY SHERIFF - 6493.76, SER; Total - 296,692.34; with members Bowser, Kelly, and Schuler voting "Aye", motion carried.

The public hearing relating to AN AMENDMENT TO THE FORT CALHOUN ZONING ORDINANCE OF ARTICLE 2, SECTION 2.03 - DEFINITIONS; ARTICLE 4, SECTION 4.12.13 - REGULATION OF ACCESSORY USES; ARTICLE 5, SECTION 5.06 - LAND USE CATEGORIES/MATRIX, SECTION 5.12.07 - SPECIAL DESIGN CRITERIA, 5.20.15 - DEFINITIONS; ARTICLE 7, SECTION 7.02 - OFF STREET AUTOMOBILE STORAGE; ARTICLE 9, SECTION 9.10 - BIOFUEL AND DISTILLATION FACILITIES, 9.12 - SELF-STORAGE UNITS, 9.15 - AUTOMOBILE AND EQUIPMENT RENTAL AND SALES, 9.24 - RECREATIONAL VEHICLE PARKS was tabled.

Lucas Billesbach, Embris Group, gave an update on the Capital Improvements Planning process. City staff, council, and committees were given CIP project data sheets to fill out. Lucas and staff at Embris will score the projects. A draft CIP should be available for the first budget workshop.

Lucas gave an update on the Adams Street Plaza - Group B Project. Construction on the bathroom has started. The shade structure is about 10-12 weeks out.

Lucas gave an update on the West Monroe Street Paving District. 90% plans are complete and they would like to get back with all residents in next 30-60 days. Lucas discussed the option of a Right of Way acquisition specialists to help with appraisals and acquisitions/easements. Member Kelly made a motion seconded by member Bowser to authorize Lucas to obtain quotes for a ROW agent. With member Bowser and Kelly voting "Aye", and member Schuler abstaining, motion carried.

Member Schuler made a motion seconded by member Kelly to approve the agreement from Embris Group for design, bidding, and construction administration services for the Trail Extension Phase 3 & 4 project and Alternative 1. With members Schuler, Bowser, and Kelly voting "Aye", motion carried.

Council discussed the task order from JEO Consulting Group to conduct a speed study of primary thoroughfares in Fort Calhoun. Lucas explained that there are ongoing speed concerns in town, specifically on Clay Street and the mayor requested a task order for a speed study and also wants to look into speed bumps. Through the study, JEO will identify where there are issues/concerns. Council discussed other areas that should be included in the study. The approval of the task order was tabled.

Member Schuler introduced **Resolution 2023-8 Amending Resolution 2023-2 (Adopting Fort Calhoun Economic Development Plan)** and moved for its passage and adoption. Member Bowser seconded the motion. On roll call the following voted "Aye": Kelly, Bowser, 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. 2023-8**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, AMENDING & CORRECTING
RESOLUTION 2023-2 – 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 August 15, 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. For the August 15, 2023 special 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 August 14, 2039.

e. Collection Duration. The collection of funds for utilization by the Plan shall be permitted from August 15, 2023, until August 14, 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 special election shall be conducted by mail pursuant to the requirements of Nebraska state law.

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 a special election will be held by mail with the election date of August 15, 2023, and the ballot will include for the electors of the City of their approval or rejection, the following proposition:

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)

The special election shall be conducted by mail in accordance with the requirements of state law. Copies of the proposition 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 19th day of June 2023.

THE CITY OF FORT CALHOUN, NEBRASKA
Bob Priksat, Council President

ATTEST:
Alicia Koziol, City Clerk

Resolution 2023-9 Traffic Control (Four-Way Stop 10th & Madison) was tabled.

Resolution 2023-10 Traffic Control (Three-Way Stop 13th & Stevenson) was tabled.

Resolution 2023-11 Traffic Control (Three-Way Stop 17th & Clay) was tabled.

Member Bowser made a motion seconded by Schuler to approve Enhancement Committee's recommendation to appoint Lynn Teeter. With members Schuler, Kelly, and Bowser voting "Aye", motion carried.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:04 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk