

## **MARCH 15, 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, March 15, 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: Bob Prieksat, Nick Schuler, John Kelly. Member Bowser was absent.

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.

Member Bowser arrived at 7:02 p.m.

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: *February 16, 2021 City Council minutes, Treasures Report for February 2021, March 8, 2021 Planning Commission minutes, March 4, 2021 Park Committee minutes, February 22, 2021 Enhancement Committee minutes, Maintenance Report, February 2021 Washington County Sheriff's Statistics*; with members Schuler, Kelly, Bowser, and Prieksat voting "Aye", motion carried.

Mayor Robinson presented the bills and the Acreage Fences invoice. Member Prieksat made a motion seconded by member Schuler to remove the Acreage Fences invoice and approve the following bills: ABE'S TRASH SERVICE, INC. - 182.83, ACCESS SYSTEMS - 363.54, ACCESS SYSTEMS LEASING - 187.44, AFLAC - 206.54, AMERICAN BROADBAND - 517.02, ANDY'S MOW TOWN, INC. - 124.65, BADGER BODY & TRUCK EQUIP CO - 239.00, BLAIR ACE HARDWARE - 39.30, BOMGAARS - 377.31, CARQUEST - 104.89, CERTIFIED LABORATORIES - 536.88, CHASE BANK - 6463.75, CITY OF BLAIR - 2878.92, CONOCO FLEET - 411.93, CORE & MAIN - 114.03, CORNERSTONE SURVEYING LLC - 4280.00, DEB SUTHERLAND - 16.05, EFTPS - 1995.31, ENTERPRISE MEDIA GROUP - 197.10, JDW MIDWEST, LLC - 5084.24, JEO CONSULTING GROUP, INC. - 7182.50, JOHNSON CONTROLS - 215.00, JUDY BOYD - 20.10, M.U.D. - 380.96, MITCH ROBINSON - 37.93, MULHALL'S LANDSCAPE - 1869.00, NE PUBLIC HEALTH ENV LAB - 15.00, NEBR RURAL WATER ASSOCIATION - 150.00, NEBRASKA DEPT OF REV - 273.14, NEBRASKA SALES TAX - 3541.64, O.P.P.D. - 2669.64, ONE CALL CONCEPTS, INC - 6.93, PAPIO-MISSOURI RIVER N. R. D. - 5333.68, POSTMASTER - 151.56, QUILL CORPORATION - 34.99, S E SMITH & SONS - 120.91, TALBOT LAW OFFICE - 703.38, THE AMERICAN FUNDS GROUP - 1204.37, TWO RIVERS BANK - 12517.00, UNITED HEALTHCARE - 4514.42, UTILITIES SERVICE GROUP - 19498.05, VERIZON WIRELESS - 123.36, VISA - 2090.54, WASHINGTON COUNTY TREASURER - 900.00, Total - 87,874.83; with members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

The public hearing relating to APPROVAL OF AN APPLICATION FROM GENE & CATHY WELCHERT/ROSEWOOD LLC FOR A REPLAT OF LOTS 1-12, BLOCK 89 OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA opened at 7:04 p.m. Linda Welsher, 1623 Clay St, sent an email stating: "I noticed when I read the public hearing notice for the Welchert replat that the legal description left out the Calhoun Company Addition part before the lots in block 89 in the city. That whole two block wide section along the highway north of Clark Street was an addition to the city; that might be important considering this is for a replat." Cathy Welchert, applicant, discussed the replat. She explained that they wanted to clean up the lines and move Jensen's

line to the south so that Scooter's drive thru was on their property. Lucas Billesbach, City Engineer, commented on the replat. He explained that after the replat there will be non-conforming structures, but they are currently non-conforming so it's not creating a bigger issue. The public hearing closed at 7:09 p.m.

The public hearing to CONSIDER ZONING ORDINANCE REVISIONS TO SECTION 5.06 – LAND USE CATEGORIES/MATRIX; SECTION 5.07.08 – TA-1 DISTRICT (OTHER APPLICABLE PROVISIONS); SECTION 5.12.04 – RM DISTRICT (CONDITIONAL USES) opened at 7:09 p.m. There were no written comments. Lucas Billesbach, City Engineer, explained sections of the Zoning Ordinance needed cleaned up so they are congruent with each other. The public hearing closed at 7:10 p.m.

The public hearing relating to APPROVAL OF THE 2021 FIREWORKS LICENSE: MY INDEPENDENCE DAY FIREWORKS opened at 7:10 p.m. There were no written or public comments. The public hearing closed at 7:10 p.m.

Member Prieksat made a motion seconded by member Schuler to approve the Fireworks License: My Independence Day Fireworks. With members Bowser, Prieksat, Schuler, and Kelly voting "Aye", motion carried.

Member Schuler made a motion seconded by member Bowser to approve \$1,500 in Keno funds to support the 2021 Friends of Lewis & Clark Bicentennial. With members Kelly, Bowser, Prieksat, and Schuler voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Schuler to approve JEO Task Order 131216.28 for the design of the lift station flood mitigation improvements. With members Schuler, Kelly, Bowser, and Prieksat voting "Aye", motion carried.

Member Schuler introduced **Resolution 2021-1 – Papio-Missouri River Natural Resource District Trail Assistance** and moved for its passage and adoption. Member Prieksat seconded the motion. On roll call the following voted "Aye": Prieksat, Schuler, Kelly, and Bowser. 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 2021-01**

WHEREAS, the City of Fort Calhoun intends to apply for Papio-Missouri River Natural Resource District Trail Assistance,

BE IT RESOLVED by the Mayor and City Council as follows:

1. Whereas, The City of Fort Calhoun, Nebraska is applying for assistance from the Papio-Missouri River Natural Resource District Trail Assistance Program for the purpose of developing a 10-foot wide, 5-inch thick concrete trail within Adams Street Corridor Park.
2. The Mayor of the City of Fort Calhoun, Nebraska is authorized to sign the application for District assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.
3. The City of Fort Calhoun, Nebraska currently has the written commitment for the 50% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project.
4. The City of Fort Calhoun, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years.
5. The City of Fort Calhoun, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.
6. The City of Fort Calhoun, Nebraska will comply with all rules and regulations of the Papio-Missouri River Natural Resource District Trail Assistance Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

7. The City of Fort Calhoun, Nebraska will comply with the Federal accessibility and use standards where they can be reasonably applied.
8. All paperwork may be signed by the project sponsor, but the Resolution MUST be signed by the Mayor.

I certify that this resolution is a true copy of the original document that was adopted by the City of Fort Calhoun, Nebraska at a properly advertised and announced public meeting held this 15th day of March 2021.

CITY OF FORT CALHOUN, NEBRASKA  
Mitch Robinson, Mayor

ATTEST:  
Alicia Koziol, City Clerk

Member Schuler made a motion seconded by member Prieksat to authorize the Mayor to sign the grant application through the Papio-Missouri River NRD for the remaining portions of the trail and subsequent storm sewer improvements in the Adams Street Corridor Park. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Member Schuler made a motion seconded by member Prieksat to approve Change Order No. 2 in the amount of \$8,216 to add four (4) additional LED lights under the shade shelter for the 2020 Adams Street Corridor Construction Phase 2 & 3 project. The Mayor approved the purchase of the lights back in fall since they needed to be ordered and the amount was within his purchase authority. The City Engineer explained that when he went and looked at the lights back in the fall, he didn't like how it looked with a halo effect and thought four more lights needed to be added. With members Prieksat, Schuler, and Kelly voting "Aye" and member Bowser voting "Nay", motion carried.

Member Prieksat introduced **Resolution 2021-2 – Replat - Calhoun Company Addition Lots 1-12, Block 89** and moved for its passage and adoption. Member Bowser 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. 2021-2**

BE IT RESOLVED by the Mayor and City Council of the City of Fort Calhoun that the replat for the property legally described as Calhoun Co Addition Lots 1-12, Block 89 of the City of Fort Calhoun, Washington County, Nebraska is hereby approved.

Passed this 15th day of March 2021.

Mitch Robinson, Mayor

ATTEST:  
Alicia Koziol, City Clerk

Member Schuler introduced **Ordinance 775** entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO AMEND SECTIONS OF THE FORT CALHOUN ZONING ORDINANCE INCLUDING SECTION 5.06 – LAND USE CATEGORIES/MATRIX; SECTION 5.07.08 – TA-1 DISTRICT (OTHER APPLICABLE PROVISIONS); SECTION 5.12.04 – RM DISTRICT (CONDITIONAL USES); TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE

Member Schuler moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Kelly seconded the motion. With members Schuler, Kelly, Bowser, and Prieksat voting "Aye", motion carried.

Member Schuler made a motion for final approval of Ordinance 775, and member Bowser seconded. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Member Prieksat introduced **Resolution 2021-3 – Traffic Control - No Parking on 13<sup>th</sup> St** and moved for its passage and adoption. Member Schuler 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. 2021-3**

**RESOLUTION FOR TRAFFIC CONTROL**

WHEREAS, the City of Fort Calhoun, Nebraska as a Municipal Corporation has the authority to regulate traffic matters within its Corporate Limits; and

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:

Establishing "No Parking" Regulations on the west side of 13th Street from Stevenson Street to vacated Webster 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:

Install "No Parking" signs on the west side of 13th Street from Stevenson Street to vacated Webster Street; signs to be in conformance with MUTCD Regulations

The effective date of the aforesaid traffic regulation and/or regulatory device will be as follows; to-wit: March 15, 2021

2. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED March 15, 2021

CITY OF FORT CALHOUN, NEBRASKA  
Mitch Robinson, Mayor

ATTEST:

Alicia Koziol, City Clerk

Lucas Billesbach, FCYSO President, discussed the Lease agreement for the city ballfields. Member Schuler made a motion to approve the Lease agreement with FCYSO for the use of the city ballfields contingent upon the "Renewal" term language being revised. Motion seconded by member Prieksat. With members Kelly, Bowser, Prieksat, and Schuler voting "Aye", motion carried.

Council discussed the request from FCYSO to execute an agreement on their behalf with Triple Crown Baseball to conduct a 3rd Party Tournament on the weekends of June 17-30, 2021 and negotiate terms to FCYSO for the same. They asked the City Attorney, Edmond Talbot, to contact Triple Crown to make revisions to the agreement and include FCYSO's signature on the agreement. Member Schuler made a motion to approve the request, contingent upon Triple Crown making corrections to the agreement as discussed by Council. Motion seconded by member Bowser. With members Schuler, Kelly, Bowser, and Prieksat voting "Aye", motion carried.

Member Schuler made a motion seconded by member Bowser to approve the use of Keno funds in the amount of \$4,660.21 to purchase fencing from Acreage Fencing for the multi-purpose court. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Member Schuler made a motion seconded by member Bowser to approve the Annual Spring Clean-Up dates: **Saturday, April 3rd through Sunday, April 25<sup>th</sup>**. Dumpsters will be provided at the City Shop. *FCFD Fire Chief Chad Nixon will allow Open Burning with a BURN PERMIT during this time.* With members Bowser, Prieksat, Schuler, and Kelly voting "Aye", motion carried.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:15 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk