

## **MARCH 18, 2024 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 18, 2024, at the Fort Calhoun Council Chamber, 110 S 14<sup>th</sup> 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: Nick Schuler, John Kelly, Bob Prieksat, and Andy Bowser.

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: *February 20, 2024 City Council minutes; Treasures Report for February; February 1, 2024 Park Committee minutes; Maintenance Report; February 2024 Washington County Sheriff's Statistics.* With members Kelly, Schuler, Prieksat, and Bowser voting "Aye", motion carried.

Mayor Robinson presented the March bills. Member Prieksat made a motion seconded by member Schuler to approve the following bills: *ABE'S PORTABLES - 125.00 - SER, 125.00 - SER, ABE'S TRASH SERVICE, INC. - 318.75 - SER, ACCESS SYSTEMS LEASING - 366.84 - SER, AFLAC - 118.95, 16.25 - BENE, AMWORX LLC - 339.25 - EXP, BARCO - 521.02 - EXP, BLAIRACE HARDWARE - 25.00 - SUP, BCBS OF NE - 3411.06 - INS, BOMGAARS - 312.46 - SUP, CHASE BANK - 4050.00 - PYMT, CITY OF BLAIR - 2593.22 - UTL, CONOCO FLEET - 412.30 - FUEL, COX BUSINESS - 525.50 - UTL, EFTPS - 1472.96, 344.50, 809.02 - TAX, EMBRIS GROUP, LLC - 2255.00 - PROF, ENTERPRISE MEDIA GROUP - 9.54 - SER, 635.35 - SER, 10.90 - SER, IDEAL PURE WATER - 25.50 - SER, JDW MIDWEST, LLC - 423.64 - SER, JEO CONSULTING GROUP, INC. - 352.50 - PROF, 117.50 - PROF, 1070.00 - PROF, 1925.90 - PROF, JM ONLINE - 371.40 - SER, JOHN DEERE FINANCIAL - 355.68 - EXP, JOHNSON CONTROLS - 322.00 - SER, LIBERTY CORE CONSULTANTS LLC - 14840.00 - EXP, M.U.D. - 283.61 - UTL, MATT PARROT / STOREY KENWORTHY - 946.91 - SUP, NE PUBLIC HEALTH ENV LAB - 30.00 - TEST, NE DEPT OF REVENUE - 359.46, 100.00 - TAX, NE SALES TAX - 2542.13 - TAX, NICKIE ROBINSON - 1000.00 - EXP, OPPD - 3467.28 - UTL, ONE CALL CONCEPTS, INC - 48.72 - SER, PAPIO-MISSOURI RIVER N. R. D. - 4512.01 - UTL, 858.27 - UTL, POSTMASTER - 194.31 - EXP, RVR BANK - 12921.73 - PYMT, TALBOT LAW OFFICE - 630.00 - PROF, AM FUNDS GROUP - 2366.30 - BENE, VERIZON - 128.64 - EXP, VISA - 2552.14, WASHINGTON COUNTY SHERIFF - 6493.76 - SER, Total - 78,037.26; with members Kelly, Prieksat, Schuler, and Bowser voting "Aye", motion carried.*

The public hearing relating to APPROVAL OF THE 2024 FIREWORKS LICENSES: MY INDEPENDENCE DAY FIREWORKS & INDEPENDENCE PYRO COMPANY (ON BEHALF OF FCYSO) opened at 7:05 p.m. There were no written or public comments. The hearing closed at 7:05 p.m.

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

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

After a motion was made, seconded, and carried, Item #21, *Discussion regarding the NRD rate increase*, was moved after item #10 on the agenda. Justin Novak with Papio NRD discussed the rate increase. The commodity charge is increasing roughly \$20,000 annually. The NRD approving increase/amendments in April. Lucas Billesbach, City Engineer, provided his input regarding the increase. He went through the numbers and agrees that they are in alignment with our agreement with the NRD.

Member Schuler made a motion seconded by Kelly to approve Change Order No. 2 in the amount of \$22,162.40 from Sand Creek Construction for the Adams Street Corridor Group B project. This includes the donated labor that was supposed to be covered by the grant, a change in the countertop, and landscaping on the west end of the grass lot (corner of Adams & 13<sup>th</sup>). With members Kelly, Prieksat, and Schuler voting "Aye", Bowser voting "Nay" motion carried.

Member Schuler made a motion seconded by Bowser to approve Pay Application No. 2 in the amount of \$81,865.39 from Midwest Excavating Services for the Lift Station Flood Protection Improvements project. With members Bowser, Kelly, Prieksat, and Schuler voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Bowser to postpone the approval of the Citywide Speed Control & Pedestrian Crossing Study as prepared by JEO Consulting Group. There are a number of recommendations within the study. Long-term options include rapid flashing signals and bump-outs at the signal intersection. A median was recommended as well. Some short-term options on Clay Street/County Road P32 include shifting where we decrease speed outside of town as well as use of speed bars, which are painting stripes, to give notification to the driver that the speed is decreasing. The crosswalk at Lincoln Street was discussed and some recommendations were made. Council would like JEO to address the 25 mph speed zone and a school speed zone. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Lucas Billesbach, City Engineer, gave an update on the Trail Extensions Phase 3 & 4 Bidding Schedule. We are waiting on NEPA. Hoping by end of April to begin advertising and mid-May to open bids.

Member Schuler made a motion seconded by member Kelly to approve a revised subscription to the new online platform for PlanIt CIP software in the amount of \$2,000.00. With members Schuler, Bowser, Kelly and Prieksat voting "Aye", motion carried.

Member Kelly introduced Ordinance 807 entitled:

AN ORDINANCE TO VACATE THE ALLEY IN BLOCK 106 WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, AS DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

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

Member Prieksat introduced Ordinance 808 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION WATER BONDS OF THE CITY OF FORT CALHOUN, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) TO PAY THE COSTS OF EXTENSIONS, IMPROVEMENTS, REPLACEMENTS, ADDITIONS AND ENLARGEMENTS TO THE CITY'S WATER SYSTEM; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Member Prieksat made a motion to waive the three readings. Member Schuler seconded the motion. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried. Member Prieksat made a motion for final approval and member Schuler seconded. With members Bowser, Kelly, Prieksat, and Schuler 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 possible litigation and land acquisition at 8:02 p.m.

Mayor Robinson declared the meeting in open session at 9:11 p.m. No action was taken.

Member Prieksat made a motion seconded by member Kelly to approve the plans and specifications for the 2023 Monroe Street Extension, Street Improvement District 2022-1 as prepared by JEO Consulting Group. With members Kelly, Bowser, and Prieksat voting "Aye", member Schuler abstaining with conflict, motion carried.

Member Kelly made a motion seconded by member Prieksat to authorize JEO Consulting Group to begin advertising for the 2023 Monroe Street Extension, Street Improvement District 2022-1 and to work with the clerk to establish a bid opening date for the same. With members Prieksat, Kelly, and Bowser voting "Aye", member Schuler abstaining with conflict, motion carried.

Member Prieksat made a motion seconded by member Kelly to authorize the mayor to negotiate the easement and acquisition agreements (within his spending limits). With members Bowser, Prieksat, and Kelly voting "Aye", member Schuler abstaining with conflict, motion carried.

Member Prieksat made a motion seconded by member Kelly to approve an agreement from Jeff Miller of Young and White Law Offices to represent the city as an attorney with land negotiations. With members Kelly, Bowser, and Prieksat voting "Aye", member Schuler abstaining with conflict, motion carried.

The consideration and approval to use Keno funds to create an events fund was tabled until the next meeting.

Annual Spring Clean-Up, providing dumpsters at the City Shop: Friday, April 5th through Sunday, April 28<sup>th</sup>.

*\*Note, FCFD Fire Chief Dan Mallory will allow Open Burning with a BURN PERMIT during this time*

**Monthly bill review:**

March (Feb bills) – Bowser

April (Mar bills) – Mayor Robinson

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 9:30 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk