

MAY 15, 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, May 15, 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, 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 Bowser to approve the following consent agenda: *April 17, 2023 City Council minutes; Treasures Report for April; May 1, 2023 Planning Commission minutes; May 4, 2023 Park Committee minutes; Maintenance Report; April 2023 Washington County Sheriff's Statistics.* With members Kelly, Prieksat, Schuler, and Bowser 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. - 1312.75, SER; ACCESS SYSTEMS LEASING - 377.49, SER; ARBOR GROUP TREE CARE - 700.00, SER; BLAIR ACE HARDWARE - 70.97, 195.93, SUP; BOMGAARS - 139.42, SUP; CITY OF BLAIR - 2739.41, UTL; CLINE WILLIAMS - 1250.00, PROF; COLONIAL RESEARCH - 1266.11, 158.64, SUP; CONOCO FLEET - 460.96, FUEL; CORE & MAIN - 560.11, ENTERPRISE MEDIA GROUP - 9.90, 51.75, 17.10, 41.12, 7.21, 34.20, 22.95, 31.95, 139.95, 11.70, 14.40, 17.10, SER; FASTWYRE BROADBAND - 477.77, UTL; GATEWAY DEVELOPMENT CORP. - 25.00, EXP; HENTON TRENCHING, INC. - 12160.00, EXP; HOME DEPOT CREDIT SERVICES - 600.00, EXP; IDEAL PURE WATER - 31.25, SER; JDW MIDWEST, LLC - 4959.75, SER; JEO CONSULTING GROUP, INC. - 1057.50, 4560.00, SER; JUDY BOYD - 9.10, REIMB; M.U.D. - 140.64, UTL; NE PUBLIC HEALTH ENV LAB - 308.00, TEST; NE SALES TAX - 2165.66, TAX; O.P.P.D. - 202.06, 3254.76, UTL; ONE CALL CONCEPTS, INC - 60.44, SER; PAPIO-MISSOURI RIVER N. R. D. - 8674.49, 2168.55, UTL; POSTMASTER - 206.40, 290.00, EXP; S E SMITH & SONS - 12.15, SUP; TALBOT LAW OFFICE - 773.85, PROF; VERIZON - 128.25, SER; VISA - 1966.07, SUP; WASHINGTON COUNTY BANK - 466.31, EXP; WASHINGTON COUNTY SHERIFF - 6493.76, SER; WASHINGTON COUNTY TREASURER - 4276.17, TAX; Total - 65224.05; with members Bowser, Kelly, Prieksat, and Schuler voting "Aye", motion carried.

The public hearing relating to A PROPOSED ORDINANCE FOR VACANT PROPERTIES IN THE DOWNTOWN BUSINESS DISTRICT opened at 7:04 p.m. There were no written comments. City Attorney, Edmond Talbot, discussed the proposed ordinance. A bill was passed in 2018 that allows municipalities to charge fee/tax to vacant property owners. He explained the rest of the process. Mayor Robinson said they are just looking at options because there have been concerns and complaints about the empty buildings. This is preliminary and they want to hear people's thoughts and concerns. Ritch Nelson, 510 N 14th St, believes the ordinance should include the whole town, not just business district and said the fee seems excessive. Sandy Kucera, 111 N 14th St, said she business owner for 18 years. She said rather than charging fees, the city should support small businesses. She believes the ordinance would discourage unique small businesses from coming to town. Member Prieksat said their concern is not occupied businesses and that they are looking into bills that support existing businesses. His concern is vacant buildings in the business district that have been vacant for 10-15 years. Tony Bonacci, 1405 Lincoln St, said small business hard to run in a small town. Member Schuler said they hear frustration from people wanting to put a business in town and nothing is available so they are looking at what we can do to bring businesses in. Dane Kucera, 111 N 14th St, said that wanting to put businesses in is a great idea but actually doing it is different and asked how they plan on helping people that want to put businesses in. Member Kelly explained that in order to run successful businesses there are a lot of pieces and parts and it is good to have this conversation to hear what people think. He said that there is a lot the city could do such as TIF and LB840 (Economic Development Plan) and said people need be open to having those conversations. Mayor Robinson explained that the ordinance says if there are viable attempts to do something will the vacant building they will not fine owners. Member Schuler said if there are too many abandoned buildings in town people aren't going to want to open businesses here. He said part of the challenge is how the city can help existing businesses move forward. Sandy Kucera said you can't devalue businesses as successful because we have vacant buildings in town but instead you should look at the amount of successful businesses. Mayor Robinson said they will take all of this into consideration and look at having meeting with building owners. The public hearing closed at 7:28 p.m.

The public hearing relating to THE CLASS C – BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALES LIQUOR LICENSE APPLICATION FOR FORT FAUCHER LLC – THE FORT BAR, ~~101 S 14TH STREET~~ 1311 COURT STREET, FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA opened at 7:28 p.m. There were no written or public comments. The public hearing closed at 7:29 p.m.

Member Bowser made a motion seconded by member Schuler to approve the Class C – Beer, Wine, Distilled Spirits, On and Off Sales Liquor License Application for Fort Faucher LLC – The Fort Bar. With members Schuler, Bowser, Kelly and Prieksat voting “Aye”, motion carried.

Adrienne Cavill, Gateway Development Corporation, gave an introduction and update. Adrienne discussed her roles at Gateway, which include site development, business attraction and expansion, and housing. She said she is happy to help with small businesses and can write up a business plan.

Lucas Billesbach, Embris Group, gave an update on the Adams Street Plaza Group B Project. He said the work has started and should be completed late fall.

Lucas gave an update on the Transportation Alternatives Grant. The grant was turned in and we should hear back in July if we got it.

Member Prieksat introduced **Resolution 2023-4 Traffic Control – No Parking (16th Street from Clay to Clark)** 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.

RESOLUTION NO. 2023-4

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 east side of 16th Street from Clay Street to Clark 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 east side of 16th Street from Clay Street to Clark 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: May 15, 2023

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

PASSED AND APPROVED MAY 15, 2023

THE CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Schuler introduced **Resolution 2023-5 Traffic Control – No Parking (7th Street from Court to Monroe)** and moved for its passage and adoption. Member Prieksat 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.

RESOLUTION NO. 2023-5

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 east side of 7th Street from Court Street to Monroe 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 east side of 7th Street from Court Street to Monroe 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: May 15, 2023

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

PASSED AND APPROVED MAY 15, 2023

THE CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Schuler introduced **Resolution 2023-6 Traffic Control – Stop Signs (7th & Monroe)** and moved for its passage and adoption. Member Kelly 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.

RESOLUTION NO. 2023-6

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:

Requiring a three-way complete stop at the intersection of 7th and Monroe Streets when traveling east or west or vice-versa on Monroe Street at 7th Street and when traveling north on 7th Street at Monroe 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:

3. The following traffic regulation and/or regulating device is adopted, to-wit:

- **Install a Stop Sign on the northeast corner of Monroe Street at 7th Street**
- **Install a Stop Sign on the southwest corner of Monroe Street at 7th Street**
- **Install a Stop Sign on the southeast corner of Monroe Street at 7th Street**

The effective date of the aforesaid traffic regulation and/or regulatory device will be as follows; to-wit: May 15, 2023

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

PASSED AND APPROVED MAY 15, 2023

THE CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST:
Alicia Koziol, City Clerk

Member Kelly introduced **Resolution 2023-7 Capitalization Policy** 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.

Member Schuler introduced **Ordinance 803 – 12th Street Vacate** entitled:

AN ORDINANCE TO VACATE ALL OF 12TH STREET FROM THE COURT STREET RIGHT-OF-WAY TO THE MADISON STREET RIGHT-OF-WAY BETWEEN BLOCKS 69 & 70, 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 Schuler 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 Prieksat made a motion for final approval and member Schuler seconded. With members Prieksat, Schuler, Kelly, and Bowser voting "Aye", motion carried.

Member Prieksat made a motion seconded by Kelly to approve the selection of Embris Group to act as the Engineer for the Trail Phases 3 & 4 project. With all members voting "Aye", motion carried.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 7:51 p.m.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk