

SEPTEMBER 19, 2022 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, September 19, 2022, 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, Council President Prieksat presided, and the clerk recorded the proceedings.

Member Prieksat made a motion seconded by member Schuler to approve adding the August 24, 2022 Special City Council meeting minutes to the consent agenda. With all members voting "Aye", motion carried.

Member Prieksat made a motion seconded by member Schuler to approve the following consent agenda items: *August 15, 2022 City Council minutes; Treasures Report for August; September 12, 2022 Planning Commission minutes; September 8, 2022 Park Committee minutes; July 25, 2022 Enhancement Committee minutes; September 7, 2022 Christmas in Calhoun minutes; Maintenance Report; August 2022 Washington County Sheriff's Statistics; August 24, 2022 Special City Council minutes; with members Bowser, Kelly, Prieksat, and Schuler voting "Aye", the motion carried*

Mayor Robinson presented the bills. Member Prieksat made a motion seconded by member Schuler to approve the following bills: ABE'S PORTABLES - 250.00, ABE'S TRASH SERVICE, INC. - 348.75, ACCESS SYSTEMS LEASING - 187.44, AFLAC - 166.83, 39.71, ALICIA KOZIOL - 245.00, BLUECROSS BLUE SHIELD OF NEBR - 12741.32, BLUECROSS BLUESHIELD OF NE - 2461.39, BOMGAARS - 402.95, BOWSER TRANSFER LLC - 565.40, CHASE BANK - 65000.00, 5758.75, CITY OF BLAIR - 3016.27, CONOCO FLEET - 687.56, CORE & MAIN - 240.22, CUMMINS SALES AND SERVICE - 779.87, EFTPS - 1252.20, 292.86, 740.71, EMBRIS GROUP, LLC - 2887.50, ENTERPRISE MEDIA GROUP - 9.45, 65.25, 8.55, 45.45, 17.55, 124.65, FASTWYRE BROADBAND - 476.02, IDEAL PURE WATER - 41.51, JDW MIDWEST, LLC - 1074.52, JEO CONSULTING GROUP, INC. - 1457.50, LEAGUE OF NEBR. MUNICIPALITIES - 4051.00, M.U.D. - 85.22, MARTIN MARIETTA MATERIALS - 1481.60, MUNICIPAL SUPPLY, INC./NE - 149.89, MUTUAL OF OMAHA - 72.00, MY INDEPENDENCE DAY - 500.00, NE PUBLIC HEALTH ENV LAB - 410.00, NEBRASKA DEPT OF REVENUE - 320.31, NEBRASKA SALES TAX - 2343.81, OPPD - 3321.75, ONE CALL CONCEPTS, INC - 48.26, PAPIO-MISSOURI RIVER N. R. D. - 15698.80, 2267.37, POSTMASTER - 185.68, TALBOT LAW OFFICE - 770.00, THE AMERICAN FUNDS - 1504.92, THIELE GEOTECH, INC. - 1262.00, UTILITIES SECTION-LEAGUE - 518.00, VERIZON WIRELESS - 128.73, VISA - 488.62, WASHINGTON CO. REG. OF DEEDS - 34.00, WASHINGTON COUNTY SHERIFF - 6160.35, WASHINGTON COUNTY TREASURER - 4300.23, Total - 147,487.72; with members Kelly, Prieksat, and Schuler voting "Aye", member Bowser abstaining, the motion carried.

The public hearing relating to APPROVAL OF AN APPLICATION FROM MICHAEL & KIMBERLY SZLACHETKA FOR A REPLAT OF REVISED LOT 6 BLK 11, CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA opened at 7:05 p.m. There were no written or public comments. The public hearing closed at 7:06 p.m.

The public hearing relating to THE ONE & SIX YEAR STREET PLAN FOR THE CITY OF FORT CALHOUN opened at 7:06 p.m. There were no written comments. Lucas Billesbach, City Engineer, reviewed the numerous projects in the plan. The public hearing closed at 7:09 p.m.

The public hearing relating to WATER RATE SCHEDULE FOR USERS OF THE CITY WATER SYSTEM OF THE CITY OF FORT CALHOUN, NEBRASKA opened at 7:09 p.m. There were no written or public comments. The public hearing closed at 7:10 p.m.

The public hearing relating to SEWER RATE SCHEDULE FOR USERS OF THE CITY SEWER SYSTEM OF THE CITY OF FORT CALHOUN, NEBRASKA opened at 7:10 p.m. There were no written or public comments. The public hearing closed at 7:11 p.m.

Lori Lammers, Enhancement Committee, request to close part of 15th Street at West Market Square Park on October 31st from 4:30 to 7:30 for the annual Trunk-or-Treat event. Council and Lammers discussed different options for closing the street. Member Kelly made a motion seconded by member Bowser to close Monroe Street and 15th Street and leaving the intersection open. With members Bowser, Kelly, Prieksat, and Schuler voting "Aye", the motion carried.

Lucas Billesbach gave an update on 7th and Monroe Intersection Project. The project should be begin in October.

Member Prieksat introduced **Resolution 2022-5 Szlachetka Replat of Revised Lot 6 Block 11** 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.

A true and complete copy of the said Resolution is as follows:

RESOLUTION NO. 2022-5

BE IT RESOLVED by the Mayor and City Council of the City of Fort Calhoun that the replat for the property legally described as Revised Lot 6, Block 11 of the City of Fort Calhoun, Washington County, Nebraska is hereby approved.

Passed this 19th day of September 2022.

ATTEST:
City Clerk

Mitch Robinson
Mayor

Member Schuler introduced **Resolution 2022-6 Adopting the One and Six Year Street Improvement Plan** and moved for its passage and adoption. Member Prieksat seconded the motion. On roll call the following voted "Aye": Kelly, Prieksat, Schuler, 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 2022-6

"WHEREAS, the City Street Superintendent has prepared a One Year and Six Year Plan for Street Improvement Program for the City of Fort Calhoun, and

WHEREAS, a public meeting was held on the 19th day of September 2022, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Fort Calhoun, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted."

BE IT FURTHER RESOLVED THAT A CERTIFIED COPY OF SAID PLAN BE FILED WITH THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, STATE OF NEBRASKA.

ADOPTED THIS 19th DAY OF SEPTEMBER 2022.

Mitch Robinson
Mayor

ATTEST: Alicia Koziol
City Clerk

Member Prieksat introduced **Ordinance 791** entitled:

AN ORDINANCE TO VACATE A PORTION OF COURT STREET LYING THIRTY-THREE FEET TO THE NORTH OF LOTS 1 AND 2, BLOCK 65, IN 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 Prieksat moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Schuler seconded the motion. With members Kelly, Prieksat, and Schuler voting "Aye", and Bowser voting "Nay", motion carried. Member Kelly made a motion for final approval of Ordinance 791 and member Prieksat seconded. Member Schuler, Kelly, and Prieksat voting "Aye", and Bowser voting "Nay", motion carried.

Member Kelly introduced **Ordinance 793** 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; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

Member Kelly introduced **Ordinance 794** 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; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

Member Prieksat introduced **Resolution 2022-7 Signing of the Municipal Annual Certification of Program Compliance Form 2022** and moved for its passage and adoption. Member Schuler seconded the motion. On roll call the following voted "Aye": Kelly, Prieksat, Schuler, 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 2022-7
SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2019

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor of the City of Fort Calhoun is hereby authorized to sign the Municipal Annual Certification of Program Compliance form.

Adopted this 19th day of September, 2022 at Fort Calhoun, Nebraska.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk

Member Prieksat introduced **Ordinance 795** entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, TO ESTABLISH FEES FOR CITY SERVICES; REPEALING ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.

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

Member Schuler introduced **Ordinance 796** entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 2022-2; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; APPROVING PLANS, SPECIFICATIONS, AND ESTIMATES OF COST; PROVIDING FOR THE SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS

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

Member Prieksat introduced **Resolution 2022-8 Acknowledging an Official Incorporation Date for the City of Fort Calhoun** and moved for its passage and adoption. Member Kelly seconded the motion. On roll call the following voted "Aye": Kelly, Prieksat, Schuler, 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 2022-8

WHEREAS, The CITY OF FORT CALHOUN is a City of the Second Class recognized by Nebraska Revised Statute, 17-501, as a Municipal Corporation of the State of Nebraska, and

WHEREAS, no historical document exists to establish when the CITY OF FORT CALHOUN, Nebraska was officially incorporated, and

WHEREAS, the CITY OF FORT CALHOUN is an applicant for certain United States Government grants and loans, and

WHEREAS, a condition of said grants and loans require an official document recognizing the date of legal status for the CITY OF FORT CALHOUN's existence, and

WHEREAS, THE date of February 2, 1855 has been recognized by the CITY OF FORT CALHOUN historically as the date of the official incorporation by the CITY OF FORT CALHOUN, Nebraska as a municipal corporation of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL FOR THE CITY OF FORT CALHOUN NEBRASKA, TO WIT:

The date of official incorporation by the CITY OF FORT CALHOUN, Nebraska as a municipal corporation of the State of Nebraska is hereby established and recognized February 2, 1855. The CITY OF FORT CALHOUN, Nebraska is located at 110 S 14th ST FORT CALHOUN, NE 68023-3531.

Passed and approved on this 19th day of September, 2022.

Katie Knight Treasurer
Treasurer

Mitch Robinson Mayor
Mayor

Member Prieksat introduced **Resolution 2022-9 Authorizing Submission of Grant Application(s)** and moved for its passage and adoption. Member Kelly seconded the motion. On roll call the following voted "Aye": Bowser, Kelly, 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. 2022-9

WHEREAS, THE City of Fort Calhoun, Nebraska is authorizing the city administrator to submit grant applications for the construction of the restroom/stage facility at the Adams Street Plaza splash pad park; and

WHEREAS, the Fort Calhoun city council has reviewed and determined that the proposed project is consistent with the community's long-term plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

1. The City Council of Fort Calhoun supports the submittal of grant applications for the assistance to implement the restroom/stage facility at the Adams Street Plaza Park, be and is hereby approved and adopted.
2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

PASSED AND ADOPTED this 19th day of September, 2022.

Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk

Council discussed the shooting range lease agreement between the City of Fort Calhoun, Washington County Sheriff's Office, the Federal Bureau of Investigation, and the Omaha Police Department. Mayor Robinson explained that the three jurisdictions are looking for place to build an outdoor/indoor shooting range. This is the first step of many steps which will include negotiations for cost got a 25-year lease, then design phase (6ish months), application and public hearing(s) for a conditional use permit with Planning Commission and City Council. This will give the public a chance to speak on it and conditions can be set at that time. John Slader, 3116 US Hwy 75, indicated the land is a national historic landmark area and federal guidelines must be

met. Mike Szlachetka, 1610 Clay St, asked what the benefit would be. Mayor Robinson said the potential money as well as agencies bringing business to town. Justin Thompson, River Bend Campground owner, questioned why there are no limitations for hours. The Mayor and Council President Prieksat explained that is where the conditional use permit comes in and conditions such as that will be set. Lucas Billesbach, City Engineer, explained that any fire range is limited to specific uses and the city has the opportunity to say how it is used. Lucas clarified that the agreement is giving them the right to use the land, but conditional use permit is giving permission how it is used. John Linton, 409 S. 16th St, said for people that use the fort (living history, legion, Boy Scouts, etc) automatic firearms will deter people from going and thinks the outdoor range should be taken out of the agreement. He doesn't believe this is the correct property for an outdoor range and that it is too close to town. Tim Oelke, 1724 Monroe St, said that as a veteran it scares him when people are shooting, especially at all times of the day. Officer Judkins, Washington County Deputy, explained that there is nothing like this around here for training and this is a necessity to get the proper training to protect the community and the officers themselves. Richard Brock, 2271 Pony Ridge Ln, believes that is township road and asked why the Township Board hasn't been notified. He also suggested removing "hours of operation" from the agreement. Mike Hoefker, 5531 Co Rd 34, said he lives half a mile away from the property and is concerned with how close it is and the potential noise. Sheriff Robinson expressed that this is a need, not a want. Member Schuler made a motion seconded by Prieksat to approve the lease agreement contingent on amending "restrictions on use" to just say "hours to be determined through conditional use permit". With members Prieksat, Schuler, Bowser, and Kelly voting "Aye", motion carried.

The farm lease between the City of Fort Calhoun and C.E.M. Shaner Farms will remain in place.

Member Prieksat made a motion seconded by member Schuler to approve the Law Enforcement Services Contract renewal for 2022-2023. Sheriff Robinson said there was a 5.46% increase from last year. With members Kelly, Prieksat, Schuler, and Bowser voting "Aye", motion carried.

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 8:21 p.m.