

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
January 3, 2011

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers at City Hall, 1409 Central Avenue, on January 3, 2011. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes.

Mayor Hobbie called the meeting to order at 6:00 p.m. The Mayor 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 posted in the room where the meeting was being held. Mayor Jack Hobbie then led in the Pledge of Allegiance. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. The following City Officials were present: City Administrator Pat Haverty, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Handy moved to approve the minutes of the December 20, 2010, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims as presented, seconded by Commissioner Handy. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Mercer moved to approve all Electrician's Applications as presented. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to approve all Plumber's License Applications as presented. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Motion carried.

Pat Haverty reported that he and Police Chief David Lacy would be meeting later this week to finalize the proposed downtown parking regulations, if the Council or public wish to comment please contact Chief Lacy or myself soon. The first round of equipment and windows purchased with the Energy Efficiency Grant has been installed. City Hall lighting is on hold pending confirmation of a FEMA Grant to install a sprinkler system in the building. Mayor Hobbie accepted the report and asked that it be placed on file.

Rebecca Turner addressed the Council on a proposed "Downtown Tree Planting Plan." Rebecca pointed out some of the benefits of having trees in the downtown district. Bill Moore addressed to Council asking that Nuckolls Square Park be added to the project due to lack of attention. Rebecca stated that they could add Nuckolls Park in the next phase but wanted to concentrate on the business district at this time. NCTC would be the lead organization and initiate a funding raising campaign to finance the project. Commissioner Handy moved to approve the project and authorize NCTC to act as the lead agency for fund raising for the project.

Jodi Brixey requested the vacation of the alley in Block 31; Anderson's 2nd Addition to Nebraska City. Commissioner Mercer moved to direct the City Attorney to draft an ordinance vacating the alley in Block 31, Anderson's 2nd Addition once Ms. Brixey has provided written permission from adjoining and affected property owners. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2501-11 authorizing the Mayor to sign the Project Program Agreement for the 4th Corso Mill & Overlay and to commit funds for the project as required. Commissioner Handy moved to approve Resolution 2501-10. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution No. 2501-10

Whereas: City of Nebraska City is proposing a transportation project for which it would like to obtain Federal funds;

Whereas: City of Nebraska City understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: City of Nebraska City and Nebraska Department of Roads (NDOR) wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

Be It Resolved: by the Mayor and Commissioners of the City of Nebraska City that:

Mayor Jack Hobbie is hereby authorized to sign the attached Project Program Agreement between City of Nebraska City and the NDOR.

City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement.

NDOR Project Number URB 6217(3),

NDOR Control Number 12938,

4th Corso Overlay-West Limits to East Limits.

Adopted this 3rd day of January, 2011 at Nebraska City, Nebraska.

The City Council of the City of Nebraska City

Brett Gay, Jeff Crunk, Dean Handy, Mark Mercer, and Mayor Jack Hobbie

Commissioner Handy moved the adoption of said resolution

Commissioner Gay Seconded the Motion

Roll Call: 5 Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted.

Attest:

Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie introduced Ordinance 2827-11 entitled, AN ORDINANCE TO AMEND SECTION 34-74 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE OCCUPATION TAX FOR FOOD VENDORS WITHIN THE CITY LIMITS TO \$50.00 PER YEAR; TO REPEAL THE ORIGINAL SECTION 34-74 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2827-11 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2827-11

AN ORDINANCE TO AMEND SECTION 34-74 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE OCCUPATION TAX FOR FOOD VENDORS WITHIN THE CITY LIMITS TO \$50.00 PER YEAR; TO REPEAL THE ORIGINAL SECTION 34-74 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

Whereas, in keeping up with a program to update the ordinances of the City of Nebraska City, it has been recommended by the staff that the occupation tax for food vendors selling products from a truck or other vehicle, within the city limits, be increased to the sum of \$50.00 per year, per person.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 34-74 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 34-74. Food vendors:

(a) There is hereby levied and imposed upon each person selling within the city limits food products from a truck or other vehicle, which products are intended for immediate consumption, an occupation tax as follows:

Per Year\$50.00

(b) The occupation tax is due and payable prior to the selling of any products from such truck or other vehicle. Hours for such sales are restricted to between 9:00 a.m. and 9:00 p.m. daily, however, such vehicle cannot remain parked in one (1) location longer than fifteen (15) minutes upon the public streets, sidewalks, alleys, parking lots or rights-of-way, unless selling such products in connection with a special event, for which the time limit for parking is the completion

of the special event. Approval for parking the vehicle on the public streets, sidewalks, alleys, parking lots or rights-of-way for a special event must be obtained from the chief of police prior to the special event.

(c) For special events only, the sale of food products intended for immediate consumption from trucks or other vehicles by charitable, education or religious organizations shall be exempt from the payment of such occupation tax but shall not be exempt from approval of the chief of police for parking of the vehicle on the public streets, sidewalks, alleys, parking lots, or rights-of-way.”

Section 2. That the original section 34-74 of the Code of Nebraska City, Nebraska, and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication, as provided by law.

PASSED and APPROVED, this 3rd day of January, 2011.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2828-11 entitled, AN ORDINANCE TO AMEND SECTION 34-59 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE ANNUAL OCCUPATION TAX UPON BOWLING ALLEYS, TO REPEAL THE ORIGINAL SECTION 34-59 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: “Shall Ordinance No. 2828-11 be passed and adopted?” Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2828-11

AN ORDINANCE TO AMEND SECTION 34-59 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE ANNUAL OCCUPATION TAX UPON BOWLING ALLEYS, TO REPEAL THE ORIGINAL SECTION 34-59 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

Whereas, in keeping up with a program to update the ordinances of the City of Nebraska City, it has been recommended by the staff that the occupation tax upon Bowling Alleys be increased to \$25.00 for the first alley and each additional alley be increased to the sum of \$10.00 per alley, per year.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 34-59 of the Code of Nebraska City, Nebraska, be amended to read as follows:

“**Sec. 34-59. Bowling alleys.**

There is hereby imposed an occupation tax upon each bowling alley operated, maintained, or conducted within the city as follows:

First alley\$25.00
Each additional alley\$10.00

Section 2. That the original section 34-59 of the Code of Nebraska City, Nebraska, and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication, as provided by law.

PASSED and APPROVED, this 3rd day of January, 2011.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2829-11 entitled, AN ORDINANCE TO AMEND SECTION 34-58 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE ANNUAL OCCUPATION TAX UPON BILLIARD HALL TABLES AND/OR POOLROOM TABLES; TO REPEAL THE ORIGINAL SECTION 34-58 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2829-11 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2829-11

AN ORDINANCE TO AMEND SECTION 34-58 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE ANNUAL OCCUPATION TAX UPON BILLIARD HALL TABLES AND/OR POOLROOM TABLES; TO REPEAL THE ORIGINAL SECTION 34-58 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

Whereas, in keeping up with a program to update the ordinances of the City of Nebraska City, it has been recommended by the staff that the occupation tax upon Billiard Hall tables and/or Poolroom tables be increased to \$25.00 for the first table, and each additional Billiard Hall table and/or Poolroom table be increased to the sum of \$10.00 for each table, per year.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 34-58 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 34-58. Billiard hall, poolroom.

There is hereby imposed an occupation tax upon each billiard hall or poolroom operated, maintained, or conducted within the city as follows:

First billiard or pool table.....\$25.00
Each additional billiard or pool table.....\$10.00"

Section 2. That the original section 34-58 of the Code of Nebraska City, Nebraska, and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication, as provided by law.

PASSED and APPROVED, this 3rd day of January, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2830-11 entitled, AN ORDINANCE TO AMEND SECTION 34-57 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE OCCUPATION TAX FOR BILLBOARD ADVERTISING TO \$25.00 EACH BILLBOARD, PER YEAR; TO REPEAL THE ORIGINAL SECTION 34-57 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2830-11 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie.

Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2830-11
 AN ORDINANCE TO AMEND SECTION 34-57 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE OCCUPATION TAX FOR BILLBOARD ADVERTISING TO \$25.00 EACH BILLBOARD, PER YEAR; TO REPEAL THE ORIGINAL SECTION 34-57 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

Whereas, in keeping up with a program to update the ordinances of the City of Nebraska City, it has been recommended by the staff that the occupation tax for billboard advertising be increased to the sum of \$25.00 each billboard, per year.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 34-57 of the Code of Nebraska City, Nebraska, be amended to read as follows:

“Sec. 34-57. Billboard Advertising.

There is hereby levied and imposed upon each billboard located upon private property or elsewhere by persons for hire, profit, or gain doing business within the city an occupation tax as follows:

Each billboard, per year.....\$25.00”

Section 2. That the original section 34-57 of the Code of Nebraska City, Nebraska, and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication, as provided by law.

PASSED and APPROVED, this 3rd day of January, 2011.

 Jack Hobbie, Mayor

Attest:

 Arnold M. Ehlers, City Clerk-Treasurer

Pat Haverty outlined the requirements contained to the Services Agreement between St. Mary’s Hospital and Nebraska City Fire & Rescue Department. Commissioner Gay moved to approve the agreement between St. Mary’s Hospital and Nebraska City Fire & Rescue and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Police Chief David Lacy presented the Council with information on the purchase of a new police vehicle and recommended that the Council approve the purchase of a 2011 Dodge Charger for use as a police patrol vehicle. Commissioner Gay moved to approve the request by Chief Lacy to purchase a 2011 Dodge Charger. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

The Council and appointed officials each filled in a Governance and Community Issues Survey for Five Rivers R. C. & D., Inc.

Action Tech	2,300.00	Contr	NC Antique Mall	100.00	Supp
Ameritas	132.88	Ins	NC Rotary	375.00	Dues
Arbor Mart	2,370.54	Fuel	NCTC	5,417.00	Contr
AVAC	27.00	Contr	NE Comm Found	2,291.67	Contr
Barrett Const	50,818.90	ROW	NE Rec/Parks	50.00	Dues
Bill Walters	373.12	Equip	NE State Treas	96.00	Tax
BKD	10,140.00	Contr	NEDA	100.00	Dues
Blue Cross	1,251.46	Ins	Olsson Assoc	500.57	Contr
Bound Tree	1,814.47	Med	O'Reilly Auto	15.94	Rep
CDW Govt	175.92	Supp	Orscheln	187.47	Rep
Cintas	57.70	Contr	Otoe Co Clerk	1,065.59	Contr
EMC Ins	729.75	Ins	Payroll	149,808.03	Payroll
Fastenal	31.14	Supp	Petty Cash	37.85	Postage
Fire Protect Sv	165.75	Maint	Physio-Control	547.20	Med
Food Pride	3.88	Supp	Schendel Pest	128.00	Pest Cont
Heartland Cl	17.69	Adv	Schmitz Survey	238.50	ROW

Hemmer	1,028.37	Equip	Schneider Elec	704.84	Maint
Hopkins Auto	209.30	Equip	Shrader, J	18.17	Supp
Intoximeters	303.00	Supp	St. Mary's Hosp	109.00	Med
JEO	6,482.75	Contr	Thurman's	12.00	Unif
Konica	571.78	Contr	Tri-State Office	113.94	Supp
Landis Engine	7.75	Maint	Tri-State Pumping	4,600.00	Contr
Larson Motors	310.81	Rep	Ultramax	289.49	Unif
LaRue Coffee	26.35	Supp	Unum	12.41	Ins
League NE	670.00	Dues	Van Wall Turf	101.14	Rep
Mead Lumber	704.71	Supp	Verizon Wireless	396.79	Tele
Miller Monroe	923.00	Ins	Watkins	217.59	Rep
Mullenax Auto	418.45	Rep	Wood Family Fuel	79.00	Fuel
Nationwide	22,149.17	Inv			

Meeting adjourned at 6:52 p.m.

Arnold M. Ehlers, City Clerk - Treasurer