

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
January 3, 2012

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, 2012. 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. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

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 Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Gay moved to approve the minutes of the December 19, 2011, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay 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.

Moved by Commissioner Handy and seconded by Commissioner Mercer to approve the Electrician's Registration to Work for Christopher Kems DBA CJK Enterprises. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie accepted the City Administrator's Report and asked that it be filed.

Alan Viox presented the recommendation by the EMS staff to award the contract for a new cab & chassis for the Rescue Service to Arrow Mfg. Inc and Fireguard in the amount of \$98,396. This decision was based on the unreliability of the current 2006 chassis. Mr. Viox explained that the unit had broken down several times due to overheating. Joe Johnson added that there had been a class action lawsuit against Ford for that year vehicle, but the notification occurred during the transfer of the rescue service assets to the City and the notice must have been misplaced. Moved by Commissioner Gay and seconded by Commissioner Mercer to award the contract to Arrow Mfg. Inc and Fireguard for a 2012 Ford F-450 Cab & Chassis and remount of our Lifeline Box in the amount of \$98,396. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Sheila Neeman 1114 North 4th Street appeared before the Council requesting that 11th Avenue east of 4th Street be vacated. She stated that she has cared for the area for over 20 years and would like it to be part of her property. City Attorney informed her that only half of a vacated street or alley reverts to the adjacent property owner and she answered that she understood. Dan Gittinger added that the City will need an easement since the City has a drainage structure on that street. Moved by Commissioner Handy and seconded by Commissioner Crunk to direct the City Attorney to draft an ordinance vacating 11th Avenue east of 4th Street with the City retaining easements for the drainage structure and utilities. Upon roll call the following voted YES: Gay, Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

David Guess 1111 12th Corso appeared before the Council requesting that "No Parking" signs be placed on the south side of 12th Corso from 11th to 13th Street. Other residents also attended the meeting and were in support of the request. Commissioner Handy asked how many properties would be affected by this decision. It was estimated that there would be 9 properties affected and all but one property had off street parking available and the one that did not have off street parking did not own a vehicle. Moved by Commissioner Handy and seconded by Commissioner Gay to postpone a decision on this request until all property owners were notified of the possible action. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2548-12 setting the hearing date for the proposed annexation of approximately 136 Acres into the City of Nebraska City. Joe Johnson explained

the documents to the Council and the formal steps needed to complete the annexation of the proposed properties. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2548-12. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2548-12
NOTICE OF PUBLIC HEARING**

**BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE
CITY OF NEBRASKA CITY, NEBRASKA;**

WHEREAS, Section 16-177 N.R.S. 1943 (R.S. Supp. 1990) grants the authority for Cities of the First Class to annex, by ordinance, any contiguous or adjacent lands, lots, tracts, street or highways as are urban or suburban in character and in such direction as said City may deem proper; and

WHEREAS, the City of Nebraska City, Nebraska desires to exercise said power by annexing contiguous and adjacent land as subsequently described herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of Nebraska City, Nebraska, that the City of Nebraska City is considering the annexation of land and a plan for extending City services to said land, that a public hearing be held on the 16th day of January, 2012, at or about 6:00 p.m. in the City Council Chambers of Nebraska City, Nebraska, located in City Hall at 1409 Central Avenue, Nebraska City, Nebraska, for the purpose of receiving testimony from interested persons; and that the legal description of the land proposed for annexation is as follows:

A tract of land located in Part of the N.W. 1/4 of Section 5, T.8N, R.14E and in Part of the West 1/4 of the S.W. 1/4 of Section 32, T.9N, R.14E of the 6th P.M., Otoe County, Nebraska, being more particularly described as follows:

Commencing at the Center of said Section 5, said point being the True Point of Beginning; thence westerly along the South line of the N.W. 1/4 (Existing City Limits) 371 feet to the Easterly right-of-way line of the Union Pacific Railroad; Thence leaving the said line South line and continuing northwesterly along the East right-of-way line of the Union Pacific Railroad (Existing City Limits) to a point 230.3+- feet southeasterly of the S.W. Corner of Lot 1, Rokicki Subdivision; thence leaving said railroad right-of-way and continuing easterly (Existing City Limits) 491.3 feet; thence northerly parallel to the East line of the said N.W. 1/4 (Existing City Limits) 1402.55 feet to a point on the North line of the said N.W. 1/4; thence westerly along the said North line of the N.W. 1/4 of said Section 5 and the South line of the West 1/2 of the S.W. 1/4 of said Section 32 (Existing City Limits), 518.22 feet to the S.W. Corner of said Section 32; thence leaving the said Existing City Limits line and continuing northerly along the West line of the West 1/2 of the S.W. 1/4 2636.08 feet to the West 1/4 Corner of said Section 32; thence easterly along the North line of the said the West 1/2 of the S.W. 1/4 1317.68 feet to the N.E. Corner of the said West 1/2 of the S.W. 1/4; thence southerly along the East line of the West 1/2 of the S.W. 1/4 2635.49 feet to the S.E. Corner of the said West 1/2 of the S.W. 1/4; thence continuing westerly along the Existing City Limits line along the South line of the West 1/2 of the S.W. 1/4 30.7 feet to the North 1/4 Corner of said Section 5, T.8, R14E, thence southerly along the East line of the said N.W. 1/4 of said Section 5 (Existing City Limits line) 2809.55 feet to the True Point of Beginning.

BE IT FURTHER RESOLVED, by the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska:

1. That the plan of the Nebraska City, Nebraska for the extension of City services to the above land proposed for annexation, as attached hereto and labeled as "Exhibit A", and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the Mayor and Board of Commissioners after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk at 1409 Central Avenue, Nebraska City, Nebraska.
2. That a copy of this Resolution and an Annexation Boundary Map drawn to scale and delineating the area proposed to be annexed, which is attached hereto and labeled as "Exhibit B", shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing. Publication announcement is attached hereto and labeled as "Exhibit C"
3. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.
4. That required notices will be provided to other taxing authorities as required by applicable Nebraska Statutes.
5. That no final action related to this proposed annexation will occur until the Mayor and Board of Commissioners have received the recommendation of the planning commission and that the planning commission has until February 1,

2012 to forward their recommendation to the Mayor and Board of Commissioners.

Passed and approved this 3rd day of January 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk – Treasurer

“Exhibit A”

**PLAN FOR PROVIDING CITY SERVICES TO REAL ESTATE PROPOSED
TO BE ANNEXATED BY THE CITY OF NEBRASKA CITY, NEBRASKA
AS SET FORTH IN RESOLUTION 2548-12**

The City’s proposal for providing city services to the real estate proposed to be annexed on a tract of land located in Part of the N.W. 1/4 of Section 5, T.8N, R.14E And in Part of the West 1/4 of the S.W. 1/4 of Section 32, T.9N, R.14E of the 6th P.M., Otoe County, Nebraska, in “Exhibit B” is as follows:

Police, Fire and Snow Removal: Said services are available as provided by law. The City currently does not provide police or fire services but does provide snow removal services within the proposed annexation area. The City’s plan for extending said services to the annexation area is to extend the services from the current city limits. The cost for providing said services would be financed according to City policy.

Sewer: Said services are available as provided by law. The City currently provides sewer services to a portion of the proposed annexation area. Services will be extended to the remaining portions of the proposed annexation area in accordance with the Subdivision Agreement, namely the developer will bear any and all cost. Any additional cost would be financed according to City policy.

Water: Said services are available as provided by law. The City currently provides water services to the proposed annexation area. Any additional cost would be financed according to City policy

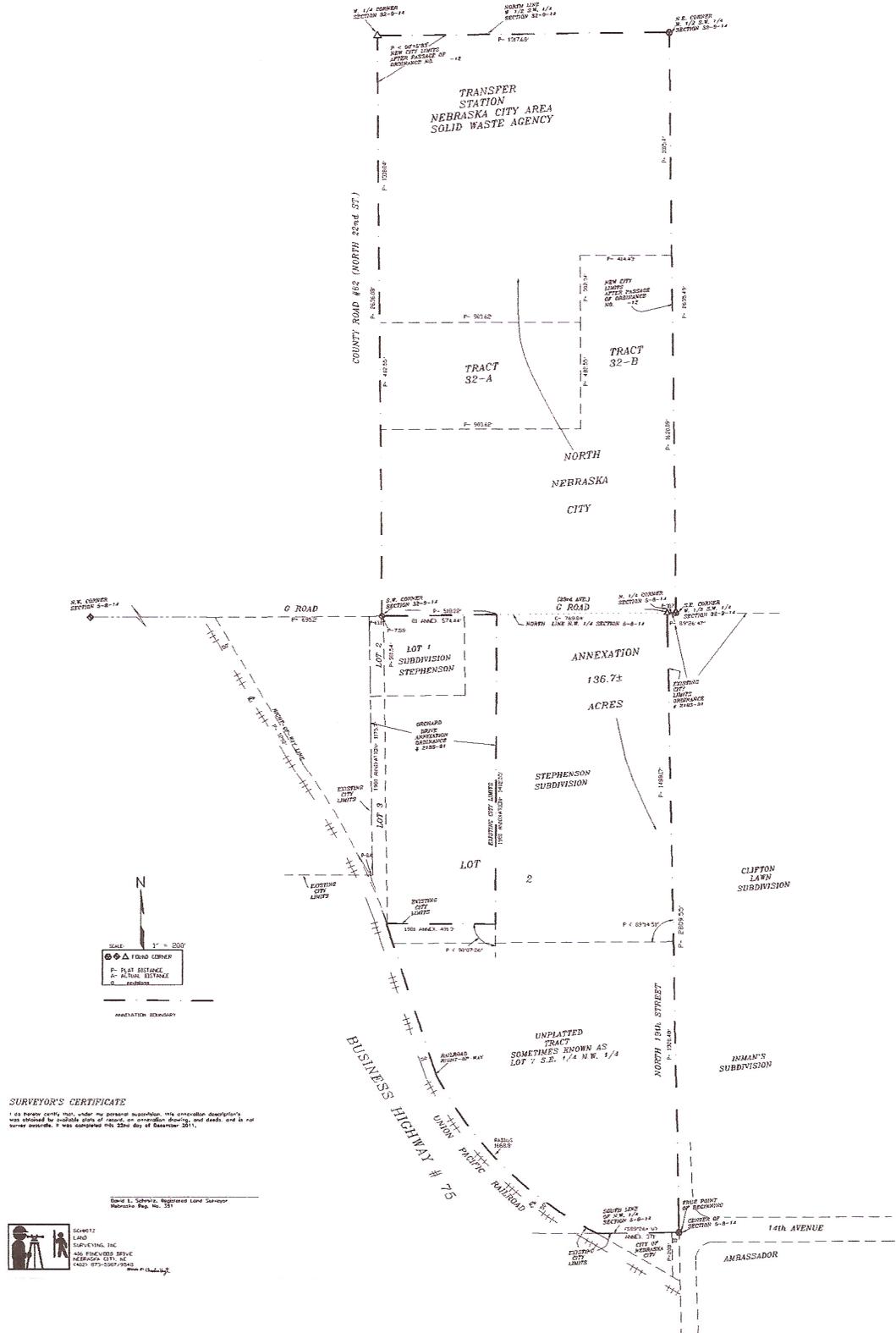
Electric: Said services are available as provided by law. The City currently provides electric services to the proposed annexation area. Any additional Cost would be financed according to City policy.

General Land Use: The real estate proposed to be annexed is zoned Residential and Light Industrial.

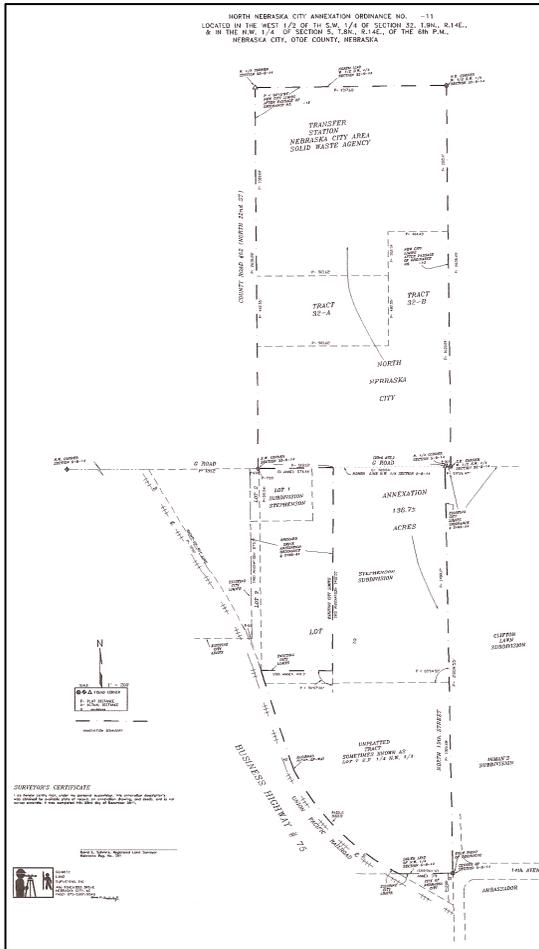
“Exhibit B”

NORTH NEBRASKA CITY ANNEXATION ORDINANCE NO. -11
 LOCATED IN THE WEST 1/2 OF TH S.W. 1/4 OF SECTION 32, T.9N., R.14E.,
 & IN THE N.W. 1/4 OF SECTION 5, T.8N., R.14E., OF THE 6th P.M.,
 NEBRASKA CITY, DODGE COUNTY, NEBRASKA

NEBRASKA CITY
 188-030



“Exhibit C”



RESOLUTION 2548-12
NOTICE OF PUBLIC HEARING
BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA; WHEREAS, Section 16-177 N.R.S. 1943 (R.S. Supp. 1990) grants the authority for Cities of the First Class to annex, by ordinance, any contiguous or adjacent lands, lots, tracts, street or highways as are urban or suburban in character and in such direction as said City may deem proper; and **WHEREAS,** the City of Nebraska City, Nebraska desires to exercise said power by annexing contiguous and adjacent land as subsequently described herein. **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Commissioners of Nebraska City, Nebraska, that the City of Nebraska City is considering the annexation of land and a plan for extending City services to said land, that a public hearing be held on the 16th day of January, 2012, at or about 6:00 p.m. in the City Council Chambers of Nebraska City, Nebraska, located in City Hall at 1409 Central Avenue, Nebraska City, Nebraska, for the purpose of receiving testimony from interested persons; and that the legal description of the land proposed for annexation is as follows: *A tract of land located in Part of the N.W. 1/4 of Section 5, T.8N, R.14E and in Part of the West 1/4 of the S.W. 1/4 of Section 32, T.9N, R.14E of the 6th P.M., Otoe County, Nebraska, being more particularly described as follows: Commencing at the Center of said Section 5, said point being the True Point of Beginning;*

*thence westerly along the South line of the N.W. 1/4 (Existing City Limits) 371 feet to the Easterly right-of-way line of the Union Pacific Railroad; Thence leaving the said line South line and continuing northwesterly along the East right-of-way line of the Union Pacific Railroad (Existing City Limits) to a point 230.3+- feet southeasterly of the S.W. Corner of Lot 1, Rokicki Subdivision; thence leaving said railroad right-of-way and continuing easterly (Existing City Limits) 491.3 feet; thence northerly parallel to the East line of the said N.W. 1/4 (Existing City Limits) 1402.55 feet to a point on the North line of the said N.W. 1/4; thence westerly along the said North line of the N.W. 1/4 of said Section 5 and the South line of the West 1/2 of the S.W. 1/4 of said Section 32 (Existing City Limits), 518.22 feet to the S.W. Corner of said Section 32; thence leaving the said Existing City Limits line and continuing northerly along the West line of the West 1/2 of the S.W. 1/4 2636.08 feet to the West 1/4 Corner of said Section 32; thence easterly along the North line of the said the West 1/2 of the S.W. 1/4 1317.68 feet to the N.E. Corner of the said West 1/2 of the S.W. 1/4; thence southerly along the East line of the West 1/2 of the S.W. 1/4 2635.49 feet to the S.E. Corner of the said West 1/2 of the S.W. 1/4; thence continuing westerly along the Existing City Limits line along the South line of the West 1/2 of the S.W. 1/4 30.7 feet to the North 1/4 Corner of said Section 5, T.8, R14E, thence southerly along the East line of the said N.W. 1/4 of said Section 5 (Existing City Limits line) 2809.55 feet to the True Point of Beginning. **BE IT FURTHER RESOLVED,** by the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska: (1) That the plan of the Nebraska City, Nebraska for the extension of City services to the above land proposed for annexation, as attached hereto and labeled as “Exhibit A”, and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the Mayor and Board of Commissioners after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk at 1409 Central Avenue, Nebraska City, Nebraska. (2) That a copy of this Resolution and an Annexation Boundary Map drawn to scale and delineating the area proposed to be annexed, which is attached hereto and labeled as “Exhibit B”, shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing. Publication announcement is attached hereto and labeled at “Exhibit C” (4) That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation. (5) That required notices will be provided to other taxing authorities as required by applicable Nebraska Statutes. (6) That no final action related to this proposed annexation will occur until the Mayor and Board of Commissioners have received the recommendation of the planning commission and that the planning commission has until February 1, 2012 to forward their recommendation to the Mayor and Board of Commissioners. Passed and approved this 3rd day of January 2012. Jack Hobbie, Mayor; Attest: Arnold M. Ehlers, Clerk – Treasurer.*

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|---------------|----------|-------|-----------------|-----------|--------|
| Action Tech | 400.00 | Contr | Mullenax Auto | 212.91 | Rep |
| Aflac | 49.00 | Ins | Nationwide | 9,554.35 | Inv |
| Alamar | 32.48 | Unif | NC Museum Assoc | 2,406.25 | Contr |
| Arbor Mart | 1,594.79 | Fuel | NC Newspress | 15.48 | Advert |
| Asphalt Matrl | 272.06 | Maint | NCTC | 11,166.66 | Contr |
| AVAC | 221.57 | Contr | NE Sec State | 30.00 | Supp |

| | | | | | |
|--------------------|----------|---------|--------------------|------------|--------------|
| Barrett Const | 388.10 | Maint | NE Supreme Ct | 26.20 | Supp |
| Bound Tree | 237.46 | Med | Omaha Door | 444.26 | Rep |
| Burr Machinery | 975.26 | Rep | Omaha Tractor | 395.31 | Rep |
| Cintas | 60.32 | Contr | Orscheln | 41.98 | Rep |
| Creative Prod | 323.57 | Supp | Otoe Co Clerk | 489.00 | Contr |
| Douglas Tire | 94.00 | Rep | Payroll | 160,846.72 | Payroll |
| Ehlers, A | 352.44 | Mileage | Peterson, C | 34.99 | Supp |
| EMC Life Ins | 698.25 | Ins | Petty Cash | 85.85 | Misc |
| Enterprise Publish | 535.00 | Advert | Richardson, C | 217.15 | Rep |
| Food Pride | 10.78 | Supp | Roque, G | 50.80 | Rfnd |
| Galeton Gloves | 155.35 | Supp | Schendel Pest | 154.00 | Pest Control |
| Galls | 46.42 | Unif | Schneider, D | 25.00 | Rfnd |
| JEO | 4,800.00 | ROW | SEND | 10,300.41 | CDBG |
| KNCY | 1,310.58 | Advert | Stutheit Imp | 226.54 | Rep |
| Konica Premier | 76.35 | Supp | Tee's Plus | 72.76 | Supp |
| Larson Motors | 35.63 | Rep | Van Wall Equip | 460.82 | Rep |
| Linweld | 81.60 | Med | Verizon Wireless | 415.42 | Tele |
| Martin Marietta | 1,188.07 | Maint | Watkins True Value | 92.08 | Rep |
| Mead Lumber | 42.14 | Supp | Wood Family Fuel | 108.00 | Fuel |
| Michael Todd | 312.00 | Equip | | | |

Meeting adjourned at 6:28 p.m.

Arnold M. Ehlers, City Clerk - Treasurer

AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Arnold M. Ehlers, City Clerk-Treasurer