

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
January 17, 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 17, 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, and Mayor Hobbie. Absent: Mark Mercer. 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 Giittinger.

Commissioner Handy moved to approve the minutes of the January 3, 2011, City Council Regular Meeting. Upon roll call the following voted AYE: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

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

Mayor Hobbie recognized the following employees for their years of service: Mike Churchill, 35 years; Raymond Doiel, 25 years; Lonnie Neemen, Steve Recker, and Suzanne Bennett, 20 years; James Teten and Paul Chaney, 15 years; Christopher Bando, 10 years; Arnold Ehlers and Alan Viox, 5 years. Mayor Hobbie congratulated those present and thanked them for their service.

Mayor Hobbie opened the Public Hearing on the Final Plat of C & M Farms 2nd Subdivision. Dan Giittinger stated that there is no change from the preliminary plan presented to the Council in December and that the Planning Commission approved the Final Plat by a vote of 9 – 0. No one else spoke in support or opposition to the final plat. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

City Administrator Pat Haverty informed the Council about the number of items on the agenda that related to the proposed 4th Corso Project and that this project has been made a priority by Nebraska Department of Roads. The Treasurer's Report showed a beginning balance December 1, 2010 of \$2,375,669.54; revenues of \$511,604.05 and expenditures of \$848,889.64; leaving a balance on hand December 31, 2010 of \$2,038,373.95.

Paramedic Manager Rodney Turpel presented the Nebraska City Fire & Rescue Department EMS Division Annual Report. The report illustrated the increase in the number of 911 calls and transfers made by the EMS Division. He also pointed out the improvement in response times as well as the training of new paramedics and cross-training with volunteer firemen. Mayor Hobbie accepted the reports and asked that the written reports be placed on file.

Leroy Frana of Nebraska City Utilities along with Brad Markes and Jerod Sands of KPMG LLP presented facts and figures from the FY 2010 Audit of Nebraska City Utilities Financial Statements. Commissioner Gay moved to accept the Nebraska City Utilities Audit. Upon roll call the following voted YES: Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Roger Watton of BKD, LLP presented highlights and findings from the FY 2010 City of Nebraska City Audit. Commissioner Handy moved to accept the City of Nebraska City Audit. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Handy. Voting NO: None. Motion passed and adopted.

Ryan Swinton of Midlands Financial Benefits, Inc. presented the Council with the health, dental, vision and life insurance rates for City employees for the year beginning March 1, 2010. Ryan informed the Board that the “net” premium increase for the next year would be 3.22% Pat Haverty asked the Board to postpone a decision until the next meeting to allow staff time to review the new premium rates. The Board took no action on the health benefits package.

Leroy Frana explained the recommendation by the Board of Public Works that the City Council approve Electrical Work Order #110 which will provide electric service to the new Viaero Cell Tower. Commissioner Gay moved to approve Electric Work Order #110. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Leroy Frana presented a recommendation by the Board of Public Works to accept an offer of \$1,000 plus costs to purchase the decommissioned natural gas border station on the east edge of Syracuse. Council decided to postpone the decision until a correct legal is available.

Commissioner Gay moved to approve the Final Plat of C & M Farms 2nd Subdivision as recommended by the Planning Commission. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2502-11. Commissioner Handy moved its adoption. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. The following voted NO: None. Whereupon the Mayor declared said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2502-11

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, AS FOLLOWS:

Section 1. A special election is hereby called and shall be held in the City of Nebraska City, Nebraska, on the 15th day of March, 2011, at which election there shall be submitted to the qualified electors of the City for their approval or rejection the following proposition, to-wit:

“Shall the City of Nebraska City, Nebraska, issue its negotiable bonds in the principal amount not to exceed Six Million Dollars (\$6,000,000) for the use in aiding in the acquisition of a public building by means of constructing additions and renovations to the City’s existing “Memorial Building”; said bonds to be dated and become due and payable, both principal and interest, on such date or dates as may be fixed by the Mayor and Board of the City at the time of their issuance and to bear interest at such rate or rates as shall be determined by the Mayor and Board of the City; and

“Shall the City cause to be levied and collected annually a special levy of taxes on the taxable value of all the taxable property in the City sufficient to pay the principal of and interest on said bonds as such principal and interest become due?”

- FOR said bonds and tax
- AGAINST said bonds and tax

Section 2. The City Clerk shall cause notice of said election to be published in the *Nebraska City News-Press*, a legal newspaper published and of general circulation in said City for three successive weeks prior to the date of said election (4 consecutive weekly publications immediately preceding the date set for said election). The City Clerk shall also cause a copy of the official ballot to be published once in said paper not more than ten days nor less than three days prior to the date of said election. The notice calling the election shall be in substantially the following form:

NOTICE OF ELECTION
CITY OF NEBRASKA CITY
OTOE COUNTY, NEBRASKA

PUBLIC NOTICE IS HEREBY GIVEN that pursuant to a resolution passed by the Mayor and Board of the City of Nebraska City, Nebraska, a special election has been called and will be held in said City, on the 15th day of March 2011, at which time the following question will be submitted to the qualified electors of the City for their approval or rejection:

“Shall the City of Nebraska City, Nebraska, issue its negotiable bonds in the principal amount not to exceed Six Million Dollars (\$6,000,000) for the use in aiding in the acquisition of a public building by means of constructing additions and renovations to the City’s existing “Memorial Building”; said bonds to be dated and become due and payable, both principal and interest, on such date or dates as may be fixed by the Mayor and Board of the City at the time of their issuance and to bear interest at such rate or rates as shall be determined by the Mayor and Board of the City; and

“Shall the City cause to be levied and collected annually a special levy of taxes on the taxable value of all the taxable property in the City sufficient to pay the principal of and interest on said bonds as such principal and interest become due?”

- FOR said bonds and tax
- AGAINST said bonds and tax

Voters desiring to vote in favor of the question shall blacken the oval preceding the words "FOR said bonds and tax" and voters desiring to vote against the question shall blacken the oval preceding the words "AGAINST said bonds and tax".

Section 3. The County Clerk shall prepare the ballots and issue early voters' ballots and appoint the election officials conducting the general election and shall also conduct the submission of the municipal matter or issue, including the receiving and counting of the ballots on the municipal matter or issue. The election returns shall be made to the County Clerk. The municipal ballots, including early voters' ballots, shall be counted and canvassed at the time and in same manner as other ballots counted and canvassed. Upon completion of the canvass of the vote by the County canvassing board the County Clerk shall certify the election results to the governing body of the City.

By-Mail Election

This election will be an election by mail. All registered voters residing within the City of Nebraska City, Otoe County, Nebraska will receive their ballot by mail and therefore no polling places will be open for voting. Ballots will be mailed by the Otoe County Clerk between February 23 and March 5, 2011.

Voter Registration deadlines

The deadline to register to vote at an agency, with a deputy registrar, or by mail is February 25, 2011. The deadline for in-person registration at the Otoe County Clerk's office is March 4, 2011 at 6:00 o'clock P.M.

Ballot Return Deadline

Voted ballots must be returned to the Otoe County Clerk no later than 5:00 o'clock P.M. on Tuesday, March 15, 2011. Ballots may be delivered or mailed to the Otoe County Clerk.

Otoe County Clerk Information

Address: 1021 Central Avenue
P. O. Box 249

Location: Nebraska City, Nebraska 68410

Phone: 402-873-9501 Fax: 402-873-9506

Office Hours are: 8:00 a.m. to 4:30 p.m. Monday through Friday.

Section 4. Pursuant to Section 32-952 of the Election Act the County Clerk determined to conduct such special election by mail and the County Clerk will submit to the Secretary of State of Nebraska a written plan for the conduct of the election on the question of issuing the Bonds.

Section 5. Said election shall be conducted in accordance with the Nebraska Election Act and is hereby certified to the County Clerk for conducting said election under the terms of Section 32-559, R.R.S. Neb. 2004, as amended.

Section 6. The County Clerk is authorized and directed to make all necessary arrangements for submitting said proposition at such election and to mail ballots to the registered voters as provided by law.

Arnold M. Ehlers, City Clerk – Treasurer

(S E A L)

Section 7. The City Clerk is hereby instructed to certify a copy of this resolution containing the proposition to the County Clerk by January 21, 2011, and the County Clerk is requested to submit the proposition at the election to be held on March 15, 2011.

PASSED AND APPROVED this 17th day of January, 2011.

Jack Hobbie, Mayor
ATTEST:

(S E A L)

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2831-11 entitled:

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2011-1 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; 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, 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. 2831-11 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, 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 2831-11

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2011-1 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a paving district to be known and designated as Street Improvement District No. 2011-1 of the City of Nebraska City, Nebraska.

Section 2. That the outer boundaries of Street Improvement District No. 2011-1 shall include, in addition to the street to be improved, all the following property abutting upon said street to be improved and within which district, the following street shall be improved by milling and asphalt overlay with all necessary appurtenances thereto;

4th Corso from the West boundary of the corporate limits of the City to 1st Street; thence East on East 4th Corso to the East boundary of the corporate limits of the City.

Section 3. Said street shall be improved at public cost and said improvements shall be made in accordance with the plans, specifications and estimate prepared by special engineers for the City and in accordance with an agreement for such improvements entered into between the City and the State of Nebraska, all as approved or to be approved by the Mayor and Board of Commissioners.

Section 4. Notice of the creation of said District shall be published as provided by law in the *Nebraska City News-Press*, a legal newspaper published in and of general circulation in Nebraska City, Nebraska.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 17th day of January, 2011.

(S E A L) Jack Hobbie, Mayor
ATTEST:
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2503-11. Commissioner Handy moved its adoption. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. The following voted NO: None. Whereupon the Mayor declared said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2503-11

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

The Mayor and Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 21st day of February, 2011, at 6:00 o'clock P.M. at the regular meeting place of the Board, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2011-1 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this 17th day of January, 2011.

(S E A L) Jack Hobbie, Mayor
ATTEST:
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2504-11. Commissioner Handy moved its adoption. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. The following voted NO: None. Whereupon the Mayor declared said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2504-11

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Code Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with costs incurred in connection with the construction of paving improvements Street Improvement District No. 2011-1 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$ 250,000.

Section 2. That up to the expenditures of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all such times until bonds or such other tax-exempt obligations contemplated herein are issued.

DATED this 17th day of January, 2011.

(S E A L)

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk

John Baker representing the Knights of Columbus requested a Special Designated Liquor License for the annual fund raising event. Commissioner Gay moved to approve the Special Designated Liquor License Application by the Knights of Columbus. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion carried.

Captain Lonnie Neeman presented a revised "2 Hour Downtown Parking District." Commissioner Handy moved its adoption and directed the City Attorney to draft an ordinance reflecting the district. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. The Mayor declared the motion passed and adopted.

Pat Haverty presented the Council with information on a "pre-application" for a Citywide Housing Rehabilitation Grant which would assist up to twelve families. Commissioner Handy moved to approve the "pre-application" and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion declared passed and adopted.

Adkins Sign	1,058.00	Maint	Mead Lumber	284.26	Rep
ADT Security	121.44	Contr	Mercer's	67.73	Rep
Alamar	199.89	Unif	MOCIC	150.00	Dues
Allied Refuse	302.25	Garbage	Moore Medical	593.20	Med
Arbor Mart	4,514.25	Fuel	Mullenax Auto	833.16	Rep
Asphalt Materials	280.60	Maint	Nationwide	10,764.26	Inv
AVAC	669.50	Contr	NC Newspress	112.00	Advert
Benefiel Repair	515.00	Equip	NC Utilities	8,014.19	Util
Bishop Plumbing	79.70	Rep	NE Dept Rev	925.69	SaleTx
Bohl Plumbing	184.49	Rep	NE RWA	85.00	Regist
Bound Tree	86.88	Med	NE Salt/Grain	1,452.53	Maint
Brown's Shoe	12.75	Postage	NE Turf	389.06	Maint
BSN Sports	443.82	Supp	NE Work Dev	4,765.00	Contr
Casey's	219.90	Fuel	NeFSMA	35.00	Dues
Century Lumber	126.60	Supp	O'Reilly Auto	23.95	Equip
Cintas	57.70	Contr	Orscheln	90.88	Supp

Creighton Med	91.00	Med	Otoe Co Clerk	2,742.24	Contr
D&D Comm	70.00	Equip	Otoe Co Reg Deed	5.50	Contr
Davis, W	4,007.68	Contr	Palfleet Equip	320.00	Rep
Douglas Tire	103.00	Rep	Payroll	108,482.04	Payroll
EMS Billing	5,312.18	Contr	Purchase Power	400.00	Postage
Fremont National	450.00	Misc	SE Plumbing	13,200.00	Rep
Giittinger, D	35.50	Mileage	SEACA	20.00	Dues
Harland Tech	630.14	Hrdwre	Shell	2,543.21	Fuel
Heartland Class	26.00	Advert	St. Mary's Hosp	5.70	Med
HireRight	50.00	Med	Stutheit Imp	126.64	Rep
Hopkins Auto	53.68	Rep	Sutphen Corp	1,946.67	Equip
Ideal Pure Water	12.00	Contr	Tri-State Office	665.49	Supp
Inland Truck	945.85	Equip	Verizon Wireless	298.79	Tele
Konica Business	171.16	Postage	Viox, A	503.50	Mileage
Landis Engine	118.25	Rep	Walgreens	25.00	Misc
Langfeldt Door	2,610.00	Rep	Watkins	75.80	Rep
Larson Motors	611.37	Rep	Welch, G	505.41	Misc
LaRue Coffee	566.95	Supp	Wenzl Hardware	29.40	Rep
Lechner, R	57.00	Rep	Windstream	2,113.69	Tele
Linweld	79.72	Med	Wood Family Fuel	111.00	Fuel
Martin Marietta	178.70	Maint			

Meeting adjourned 7:51 p.m.

Arnold M. Ehlers, City Clerk - Treasurer