

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
February 2, 2009

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 of City Hall, 1409 Central Avenue, on February 2, 2009. 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. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy, and Mark Mercer. The following City Officials were present: City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Building Inspector Alan Viox, Library Director Barbara Hegr and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Jack Hobbie led in the Pledge of Allegiance.

Commissioner Handy moved to approve the minutes of the January 19, 2009 City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted AYE: Crunk, Handy, Gay and Mayor Hobbie. Abstain: Mercer. Voting NO: None. Motion adopted.

Mayor Hobbie proclaimed February 6, 2009 as "Wear Red Day" to bring awareness of heart disease in women.

Chief Lacy presented the newest graduate of the Law Enforcement Training Center; Jason Holman and Chris Bando who was recently promoted to Sergeant.

The Treasurer's Report had a beginning balance January 1, 2009 of \$4,918,293.62; receipts of \$1,063,405.89 and expenses of \$1,099,372.86 leaving an ending balance as of January 31, 2009 of \$4,882,326.65. Wyuka Cemetery had total revenues for January of \$3,380.00. Dan Giittinger presented a report for 2008 Tree Care Removal and Replacement. Commissioner Handy moved to accept the reports as presented and place them on file. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting No; None. Motion passed.

Public Properties Director Dan Giittinger presented information on the need to update the City's zoning map and recommended that the Council approve an agreement with JEO Consulting not to exceed \$2,550.00. Commissioner Mercer moved to approve the agreement with JEO Consulting. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting No; None. Motion passed.

Roger Watton, CPA with BKD, LLC presented a summary of the Nebraska City Annual Audit. Commissioner Mercer moved to accept the audit report. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting No; None. Motion passed.

Shelley Stromf with KPMG and Leroy Frana presented information on the Nebraska City Utilities annual audit. Commissioner Gay moved to accept the report as presented. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting No; None. Motion passed.

Ryan Swinton with Midlands Financial Benefits presented the Council with the 2009 recommendations for Nebraska City Employees' Life and Health Plan. Commissioner Handy moved to approve the recommendations as presented. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting No; None. Motion passed.

Mayor Hobbie introduced Ordinance 2744-09: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF VACATED SOUTH THIRD STREET and A PORTION OF 10TH CORSO EAST OF THIRD STREET IN THE CITY OF NEBRASKA CITY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION ONE HEREOF, TO FRAN BISKUP, DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE, and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion and upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question

“Shall Ordinance No. 2744-09 be passed and adopted?” Upon roll call the following voted AYE: 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 Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2744-09

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF VACATED SOUTH THIRD STREET and A PORTION OF 10TH CORSO EAST OF THIRD STREET IN THE CITY OF NEBRASKA CITY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION ONE HEREOF, TO FRAN BISKUP, DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, FRAN BISKUP, has requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners of the City of Nebraska City, Nebraska, have approved said sale for the consideration hereinafter stated:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

Section 1. That the City of Nebraska City does hereby sell to Fran Biskup, for the consideration of Five Hundred Dollars, plus all expenses involved in this sale, including legal expenses, advertising charges and filing fees, and subject to existing taxes and special assessments, if any, and also subject to any existing easements, the following described property:

Commencing at a point on the North line of Lot 3, Block 68, Kearney Addition to Nebraska City, Otoe County, Nebraska; said point being on the West right of way of 2nd Street; thence N88°23'50"W (assumed bearing) on the North line of said Block 68, a distance of 111.67 Feet to the Point of Beginning; thence continuing N88°23'50"W on the North line of said Block, a distance of 240.00 feet; thence N02°39'56"E a distance of 25.00 feet; thence S88°23'50" E, parallel with and 25.00 feet distant from said North line, a distance of 240.00 feet; thence S02°39'56"W a distance of 25.00 feet to the Point of Beginning, containing 0.13 acres, more or less, AND

Beginning at the Northwest corner of Lot 1, Eacret's Subdivision to Nebraska City, Otoe County, Nebraska, thence N88°23'50"W (Assumed Bearing) on the Westerly extension of the North Line of said Lot 1, Eacret's Subdivision, a distance of 30.78 feet, thence N01°21'33"E, a distance of 192.17 feet; thence N02°39'56"E, a distance of 279.75 feet; thence S88°23'50"E, a distance of 17.61 feet to the Northwest corner of Lot 9, Block 68, Kearney Addition to Nebraska City; thence S00°32'08"W, on the West line of said Block 68 and Block 71 of said Kearney Addition, a distance of 471.95 feet to the point of beginning, containing 0.27 acres, more or less,

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a deed of conveyance to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Fran Biskup.

Section 2. The City Clerk-Treasurer is hereby directed to publish in the Nebraska City News Press, a newspaper published and of general circulation in the City of Nebraska City, immediately after the passage and publication of this ordinance, a notice of said sale for three consecutive weeks.

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said deed to the purchaser of said real estate, after the publication of said notice as hereinbefore provided and after thirty days from the passage and publication of this ordinance, and upon payment by the purchaser of said consideration in cash.

This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 2nd day of February, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2401-09. Commissioner Mercer moved to approve Resolution 2401-09 supporting Nebraska Public Power District's Cooper Nuclear Station License renewal. Upon roll call the following voted AYE: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION No. 2401-09

**Resolution Supporting Nebraska Public Power District's
Cooper Nuclear Station License Renewal**

WHEREAS, Nebraska Public Power District's Cooper Nuclear Station at Brownville became operational with startup in 1974 and has submitted an application to renew Cooper Nuclear Station's operating license to the United States Nuclear Regulatory Commission on September 29, 2008; and

WHEREAS, Cooper Nuclear Station is a critical asset as part of Nebraska Public Power District's generation resources and the state's unique public power system, and continues to assist in keeping state electric rates among the lowest in the country; and

WHEREAS, Cooper Nuclear Station has operated safely and efficiently for more than 30 years, its generation of electricity remains vital to Nebraska's economy; and

WHEREAS, Nebraska Public Power District has invested nearly \$400 million in the Cooper Nuclear Station facility to assure continued safe, clean, reliable and affordable production of electricity for Nebraskans across the state; and

WHEREAS, with nearly 100 employees at Cooper Nuclear Station residing in Nebraska City and Otoe County, the facility is recognized as vitally important to the economies of Nebraska City and the surrounding communities of southeastern Nebraska; and

WHEREAS, an independent economic study conducted in 2002 estimated that Cooper Nuclear Station adds an estimated \$548 million into the local economy, including significant ripple impacts in related businesses as dollars are re-spent in the community; and

WHEREAS, the United States Nuclear Regulatory Commission is the federal agency charged with oversight of our nation's vital nuclear facilities and encourages public input and comment on license renewal proceedings from its neighboring communities; and

WHEREAS, Cooper Nuclear Station has been a good neighbor to its communities for more than three decades;

NOW, THEREFORE, BE IT RESOLVED that the Nebraska City, City Council supports the license renewal for the nuclear generating facilities at Cooper Nuclear Station, to assure their continued operation as an integrally important component of safe and affordable public power for the State of Nebraska for another 20 years.

Dated this 2nd day of February 2009

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk – Treasurer

Public Properties Director Dan Giittinger presented the results of the bid letting for a new utility vehicle for the Parks and Golf Departments and recommended the Council accept the low bid from Midwest Turf and Irrigation in the amount of \$28,229.00. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

City Attorney Bill Davis explained the revisions in the City's lease with DeBruce Fertilizer, Inc for Steinhart Terminal and informed the Council that the Dock Board had already approved this Second Amendment to Lease and recommended that the Council approve the amended lease. Commissioner Mercer moved to approve the Second Amendment to Lease. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana from Nebraska City Utilities provided information to the Council on electrical service extension for Northside School and residences North of the new school. Commissioner Gay moved to approve the recommendation of the Board of Public Works for Electrical Work Orders 166 and 168. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana provided information on an Arrowhead S-50 Hydraulic Hammer. Commissioner Gay moved to approve the Board of Public Works recommendation to purchase the Hammer from Stubbendick Equipment in the amount of \$8,870.00. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana provided information on a Pipeline Corrosion Mapper Locator. Commissioner Mercer moved to approve the recommendation by the Board of Public Works for the purchase of the Locator in the amount of \$10,897.95. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Gay moved to approve the recommendation by the Board of Public Works to purchase a 2009 Ford F-150 pickup for \$14,800.00 with trade. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Mercer moved to approve the request by Bill Hayes, Director of "The Mayhew Cabin and Historical Village Foundation" to place a sign near the park trail and instructed the City Clerk to write a letter indicating such action.. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Gay moved to approve the Electricians Permits presented. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Gay moved to approve the Plumbers License renewals as presented. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

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

ACCO	130.50	Maint		Lincoln Journal-Star	990.96	Ads
Action Tech Svc	400.00	Computer		Linweld, Inc	124.05	Supp
Alamar Uniforms	188.23	Unif		Lourdes High School	25.00	Ads
Allied Insurance	720.00	Bonds		Manley Brothers LLC	11,913.32	Eng
Alltel	274.58	Tele		MO-Arkansas River	250.00	Dues
Apple Core	360.00	Supp		Momar, Inc.	179.73	Salt
Arbor Mart	973.40	Fuel		Moore Medical	1,325.50	Supp
Beacon Athletics	881.00	Rep		Nat'l Arbor Day Found	15.00	Dues
Beelner Services	620.00	Maint		NC Clerk-Treas	25.81	Postage
Bennett, Richard	6,165.25	Gravel		NCTC	5,312.50	Contr
Bill Walters & Son	110.00	Rep		NE Community Found	2,291.67	Contr
Brown's Shoe Fit	97.75	Unif		NE Dept Health & Hu	799.11	Fee
BSN Sports	101.84	Rep		Nebraska Forest Svc	70.00	Training
Conner, Aaron	57.50	Ref		Nebraska PGA	25.00	Training
Conrad Fire Equip	777.31	Supp		Nebraska Rural Water	50.00	Training
Danko Emerg Equip	767.00	Supp		Olsson Associates	27,087.92	ROW
Data Technologies	24.50	Supp		Omaha Tractor	80.62	Rep
Davis, Todd	175.00	Computer		Orscheln	244.94	Supp
Diesel Power Equip	17.12	Rep		Peterson, Travis	110.00	Ref
Dixon, Austin	115.00	Ref		Pitney Bowes	249.00	Contr
Doiel, R	90.90	Mileage		RDg Planning-Design	4,000.00	Eng
Douglas Tire	32.00	Rep		RepCo Marketing	21.75	Supp
Farris, Madison	176.25	Ref		Schendel Pest Control	87.00	Pest Cntl
Farris, Paxton	115.00	Ref		Schmitz Land Survey	298.50	Misc
Fireguard	278.36	Unif		Secretary of State	30.00	Dues
FirePrograms	495.00	Computer		SENDDD	6,439.64	Contr
Gogan, Rachel	110.00	Ref		Smith, Adam	110.00	Ref
Hart, Anna	450.00	Contr		Teten, J	69.42	Supp
Heartland Class Svc	471.16	Ads		Tree Worx	4,999.00	Maint
Hemmer Garage	1,080.57	Rep		U-Save Pharmacy	49.99	Supp
HGM Associates	13,000.00	Contr		Viox, A	243.36	Mileage
HJJ Inc & City of NC	26,801.25	Loan		Wage & Benefits	140,467.77	Payroll
HWS Consulting	1,804.65	Eng		Walgren, Zach	99.00	Ref
Hydraulic Equip	240.98	Rep		Wenzl Hardware	114.43	Supp
JEO Consulting	4,198.50	Eng		Whispering Pines B&B	15,000.00	Loan
Landis Engine	900.29	Supp		Wick's	132.52	Maint
Larson Motors	170.56	Maint		William F. Davis, Attny	693.75	Legal
LaRue Coffee	96.61	Supp		Wurtele, John R.	55.00	Ref
League of NE Muni	333.00	Training				

Mayor Hobbie moved to appoint Jo Dee Adelung, Brett Gay, Mark Mercer, Bill Moore and Arnold Ehlers to the City Administrator Search Committee. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Arnold Ehlers, Rebecca Turner, Pat Haverty, Barbara Hegr and Brett Gay to the Webpage task force. Upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Meeting adjourned at 8:08 p.m.

Jack Hobbie, Mayor

Arnold M. Ehlers, Clerk - Treasurer