

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
March 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 16, 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. 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. Upon roll call the following answered present: Jeff Crunk, Dean Handy, Brett Gay, and Mark Mercer. The following City Officials were present: City Clerk Arnold M. Ehlers, City Attorney William Davis, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Jack Hobbie led in the Pledge of Allegiance.

Commissioner Mercer moved to approve the minutes of the February 16, 2009, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted AYE: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie opened the Public Hearing to consider the Special Designated Liquor License application by the Knights of Columbus. John Baker explained that the event was used to raise money for Lourdes School. No one else spoke in support or opposition to the application. Commissioner Mercer moved to close the hearing. Upon roll call the following voted AYE: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie proclaimed March 2009 as “Gambling Awareness Month” and “Professional Social Work Month.”

The Treasurer’s Report showed a beginning balance February 1, 2009 of \$4,882,326.65; receipts of \$1,214,042.99; expenditures of \$1,612,248.03; leaving an ending balance as of February 28, 2009 of \$4,484,121.61. Wyuka Cemetery had revenues of \$4,996.00. The reports were accepted and placed on file.

Dan Giittinger provided information requested by the Council at the last meeting concerning the additional payment due Midwest Right of Way Services, Inc. Mr. Giittinger explained that the scope of the project had been reduced requiring all new right of way documents for 11th Street Widening and 11th Corso Realignment. Commissioner Handy moved to approve the Supplemental Agreements with Midwest Right of Way Services, Inc. Upon roll call the following voted AYE: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the Special Designated Liquor License for the Knights of Columbus. Upon roll call the following voted AYE: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed. .

Leroy Frana and Dan Patton presented an update of projects completed by the Nebraska City Utilities and outlined upcoming improvements and repairs to the utility systems.

Commissioner Mercer moved to table the recommendation by the Board of Public Works to purchase a Mini-Digger Derrick until the next Council meeting. Upon roll call the following voted AYE: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Gay moved to approve the recommendation by the Board of Public Works to purchase a Model 1532 3 Reel Hydraulic Turrent trailer in the amount of \$70,650.00. Upon roll call the following voted AYE: Crunk, Mercer, Handy, Gay and Mayor Handy. Voting NO: None. Motion passed.

Commissioner Gay moved to approve the recommendation by the Board of Public Works to purchase a G. E. 15kV Metal Clad Switchgear in the amount of \$134,700.00. Upon roll call the following voted AYE: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Gay moved to approve the recommendation by the Board of Public Works to purchase Custom Relay Panels in the amount of \$43,835.31 plus sales tax. Upon roll call the following voted AYE: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Gay moved to approve the recommendation by the Board of Public Works to purchase a Model 2010 69kV Circuit Switcher in the amount of \$54,732.00. Upon roll call the following voted AYE: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Gay moved to approve the recommendation by the Board of Public Works to rebuild/replace 1.3 miles of 3 Phase line south of Unadilla. Upon roll call the following voted AYE: Crunk, Handy, Mercer, Gay, and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Gay moved to table the recommendation by the Board of Public Works installing eight (8) water sampling stations throughout the Nebraska City Water Distribution System. Upon roll call the following voted AYE: Crunk, Handy, Mercer, Gay, and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance 2746-09: AN ORDINANCE VACATING THE ALLEY IN BLOCK SEVENTY TWO (72), KEARNEY ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion and upon roll call the following voted AYE: Mercer, Gay, Crunk, Handy 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. 2746-09 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. 2746-09

AN ORDINANCE VACATING THE ALLEY IN BLOCK SEVENTY-TWO (72), KEARNEY ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the owners of the property adjacent to the alley in Block Seventy-two (72), Kearney Addition to the City of Nebraska City, Nebraska, have requested that said alley be vacated, and

WHEREAS, because of the surrounding circumstances the Mayor and City Commissioners of the City of Nebraska City, Nebraska, find the City no longer has a need for the alley in Block Seventy-two (72), Kearney Addition, to the City of Nebraska City, Nebraska, and the request of the applicants should be approved.

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

SECTION 1. That the alley in Block Seventy-two (72), Kearney Addition to the City of Nebraska City, Nebraska, be and the same is hereby vacated, and title to such property shall vest in the owners of the abutting property and become a part of such property, one-half on each side thereof.

SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 2nd day of March, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2747-09: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF LOTS 1,2,3,4 and 5, BLOCK 79, SOUTH NEBRASKA CITY ADDITION TO NEBRASKA CITY, LYING SOUTH OF THE MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY; LOTS 1,2,3,4,5, & 6, BLOCK 37, ANDERSON'S ADDITION TO NEBRASKA CITY, EXCEPT THAT PART LYING SOUTH OF SOUTH TABLE CREEK,; and ALL THE INTERVENING PROPERTY BETWEEN BLOCK 79, SOUTH NEBRASKA CITY ADDITION and BLOCK 37, ANDERSON'S ADDITION TO NEBRASKA CITY, ALL IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO TREE WORX TREE

SERVICE, LLC, AS DESCRIBED HEREIN; 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 Handy seconded the motion and upon roll call the following voted AYE: Mercer, Gay, Crunk, Handy 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. 2747-09 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. 2747-09

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF LOTS 1, 2,3,4 and 5, BLOCK 79, SOUTH NEBRASKA CITY ADDITION TO NEBRASKA CITY, LYING SOUTH OF THE MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY; LOTS 1,2,3,4,5, & 6, BLOCK 37, ANDERSON'S ADDITION TO NEBRASKA CITY, EXCEPT THAT PART LYING SOUTH OF SOUTH TABLE CREEK,; and ALL THE INTERVENING PROPERTY BETWEEN BLOCK 79, SOUTH NEBRASKA CITY ADDITION and BLOCK 37, ANDERSON'S ADDITION TO NEBRASKA CITY, ALL IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO TREE WORX TREE SERVICE, LLC, AS DESCRIBED HEREIN; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Andy Moyer, on behalf of Tree Worx Tree Service, LLC, has requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners 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 Tree Worx Tree Service, LLC, for the consideration of One Thousand Dollars (\$1,000.00), 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:

Lots 1, 2, 3, 4, and 5, Block 79, South Nebraska City Addition to Nebraska City, lying South of the Missouri Pacific Railroad right-of-way line; Lots 1, 2, 3, 4, 5, and 6, Block 37, Anderson's Addition to Nebraska City, EXCEPT that part thereof lying South of South Table Creek; and all the intervening property between Block 79 South Nebraska City Addition and Block 37 Anderson's Addition, all in Nebraska City, Otoe County, Nebraska,

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 Tree Worx Tree Service, LLC.

Section 2. That 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 said 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 March, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Handy moved to authorize city staff to advertise for bidders for the 2009 Mill and Overlay Project. Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve Estimate #15 and Final Payment for JEO Consulting for the 11th Street Widening Project. Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Gay moved to send a letter of support on LB334 to Senator Pankonin. Upon roll call the following voted AYE: Mercer, Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the Application for the Land Application of Sludges from the City of Omaha. Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the “Electrician Work Permit.” Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Mercer moved to add Change Order #1 for windows in the Rowe Memorial Safety Complex as an Emergency Agenda Item. Upon roll call the following voted AYE: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve Change Order #1 installing 4 additional windows in the Rowe Memorial Safety Complex in a amount not to exceed \$11,125.00. Upon roll call the following voted AYE: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed.

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

Allied Insurance	100.00	Bond	KNCY AM-FM	1,023.30	Ads
Alltel	144.26	Tele	Lab Safety Supply	75.77	Rep
Anthens, Garrett	56.25	Ref	Landis Engine	47.54	Rep
Arbor Mart	846.03	Fuel	LaRue Coffee	84.60	Supp
Bando, C	87.20	Fuel	Linweld, Inc	100.80	Supp
Barrett Constr Co.	960.00	Contr	Matt Parrott & Sons	240.03	Supp
Battery Zone	145.07	Misc	MDA	202.69	Msde
Benefiel Truck Rep	75.00	Towing	Moore Medical	520.62	Supp
BKD	11,750.00	Audit	NC Clerk - Treasurer	56.42	Misc
Brown Glass Co	20.00	Rep	NE Cemetery Assoc	40.00	Due
Callaway Golf Co	405.29	Msde	NE Museums Assoc	15.00	Dues
Conner, Aaron	149.50	Ref	NE Public Health Env	168.00	Invest
Creative Prod Sourcing	302.58	DARE	NE Statewide Arbor	41.25	Contr
Crook, L	13.50	Mileage	Olsson Associates	3,235.93	Eng
D & D Communications	2,960.50	Radios	Orscheln	156.26	Supp
DeBruce Fertilizer	10,000.00	Refund	Peterson, Travis	99.00	Ref
Dixon, Austin	149.50	Ref	Quill Corporation	157.07	Supp
Doiel, R	8.10	Mileage	RDg Planning-Design	6,000.00	Eng
Earl May Seed	4.98	Supp	Schendel Pest Cntrl	87.00	Pest Cntrl
Farris, Madison	117.50	Ref	SEND D	231.79	Contr
Farris, Paxton	92.00	Ref	Smith, Adam	143.00	Ref
Fire Protection Svc	285.50	Rep	Stryker Sales Corp	1,679.10	Maint
Gay, B	71.92	Mileage	Stutheit Implement	140.38	Rep
Gittinger, D	32.40	Mileage	Titan Machinery	132.87	Rep
Gogan, Rachel	99.00	Ref	Turpel, R	60.96	Equip
Heartland Classifd Svc	63.12	Ads	Wage & Benefits	137,855.39	Payroll
HGM Associates Inc	5,484.00	Eng	Walgren, Zach	88.00	Ref
HWS Consulting	3,279.42	Eng	Wal-Mart	14.88	Conc
Hydraulic Equip Svc	192.33	Supp	Wick's	15.32	Rep
JEO Consulting	1,547.71	Eng	Wurtele, G	51.59	Misc
John Deere Credit	36,227.76	Contr	Wurtele, John R.	143.00	Ref
Johnny's Cycle	26.95	Rep			

Mayor Hobbie announced that Otoe County Emergency Management would be using the City owned parking lot on the corner of 10th Street and 1st Corso for training on March 15, 2009 from 1:00 to 4:00 p.m.

Meeting adjourned at 7:49 p.m.

Jack Hobbie, Mayor

Arnold M. Ehlers, Clerk-Treasurer