

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
April 4, 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 the 4th day of April, 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. 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 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 March 21, 2011, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted Yes: Crunk, Handy, and Mayor Hobbie. Voting NO: None. Abstain: Gay. Motion adopted.

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

Mayor Hobbie moved to appoint Charlotte Hamlin and Danny Oakes as a probationary members of the Nebraska City Volunteer Fire and Rescue Department seconded by Handy. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

City Administrator Pat Haverty submitted his resignation to the board effective May 13, 2011. Haverty reported that the test results for cable television signal strength are available at City Hall.

Jeff Sockel with Benesch & Assoc provided information on the progress on the South 11th Street Widening Project, detour and time table for completing the intersection at 14th Corso as well as the project. Stephanie Fisher with Pizza Hut wanted to have access plans for Pizza Hut clarified..

Evan Wickersham, City Street Engineer discussed the South 2nd Street Gap Paving Project north of 12th Corso and options on assessing the costs to adjacent property owners. He stated that since this project was just one block that gap paving would be the best process to use and to assess the adjoining property owners by front footage which he estimated will be \$110 to \$115 per foot.

Commissioner Handy moved to approve the agreement with JEO Consulting for the 2nd Street Paving Improvements and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Evan Wickersham presented a proposal for preliminary work for a new pool, to include pool layout, cost opinion and site considerations. Commissioner Gay moved to approve the Scope of Services with JEO Consulting for a new pool and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Resolution 2517-11 creating the South 2nd Street Improvement District. Commissioner Handy moved to approve Resolution 2517-11. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2517-11

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

Section 1. The Mayor and Board of Commissioners hereby find and determine that it is necessary and advisable that the City, under the authority granted by Sections 18-2002 to 18-2004 inclusive, Reissue Revised Statutes of Nebraska, 2007, without petition or creating a district,

cause the following unpaved street within the City to be improved by concrete paving, with curb and gutter and all necessary appurtenances, to-wit:

South 2nd Street from 12th Corso, North to 47' North of the platted but not developed 11th Corso, which improvement shall be known as Street Improvement Project No. 2011-3.

Section 2. It is further found and determined that the street to be improved in Street Improvement Project No. 2011-3 intersects a paved street and is for a distance of not exceeding one block on either side of any such paved street, and that said street in said Project is otherwise paved and with the paving will be one continuous paved street.

Section 3. The street improvements in the Street Improvement Project set out above be, and the same hereby are, ordered constructed, and the plans and specifications and estimate of cost of the engineer in the amount of \$21,140.00 for the construction of the above street improvements, which are on file with the City Clerk, are hereby approved. For the purpose of constructing the above improvements, such improvements may be combined with other street improvement projects created in the City, but the actual cost of construction of each of the projects shall be separated in such manner that the costs may be allocated to each project for the purpose of levying any authorized levy of special assessments.

PASSED AND APPROVED this 4th day of April, 2011.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk

Leroy Frana presented the Council with the recommendation by the Board of Public Works to approve Work Order # 330 to install a new 12" water main under South Table Creek in the amount of \$49,167.31. Commissioner Gay moved to approve W. O. # 330 in the amount of \$49,167.31. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Leroy Frana presented the Council with the recommendation by the Board of Public Works to approve Work Order # 322 to create a second pressure zone south of South Table Creek in the amount of \$263,011.54. Moved by Commissioner Gay and seconded by Commissioner Handy to approve W. O. # 322. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

A recommendation by Parks Advisory Committee on Swim Team to increase the fee charged for the use of the pool by team members whose family's do not have a season pass to \$25.00 for the first child and \$20.00 for each additional child. Phil Silvius, Chairperson of the Parks Advisory Committee explained that the majority of the committee felt that the previous fee of \$10.00 was extremely low and actually amounted to approximately eleven cents per usage. Commissioner Crunk added that closing the pool for swim meets loses the park \$1,000.00 per year. Renae Stelling stated that the swim team would abide by whatever decision the Council made, but would like to make sure that pool staff would not do pool maintenance while the team practiced. Bill Moore expressed his feelings that the parks are supported by tax dollars and not expected to make money and that we as a city should support the youth and not raise the fees. Moved by Commissioner Handy and seconded by Commissioner Gay to charge \$15.00 for each team member who does not have some type of season pass. Upon roll call the following voted YES: Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. Mayor Hobbie stated that he does not like voting against committee recommendations but did not want to have this issue continue on for another meeting.

Nebraska City Jaycees requested use of Steinhart Park on April 23rd for an Easter Egg Hunt and May 7th for a Pitch, Hit and Run Competition. Commissioner Crunk moved to approve the request by N.C. Jaycees. Upon roll call the following voted YES; Mercer, Gay, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Pay Haverty summarized the request by Brenda Bernard-Simmons to hold a 'Car Smash' on south 9th Street during the Arbor Day Festival to raise money for her 'Relay for Life' team. After considerable discussion during which timing, location and clean-up were all talked about, Mayor Hobbie moved to deny the request to use City streets for the 'Car Smash'. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Ordinance No. 2845-11 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A TRACT OF LAND AS DESCRIBED IN SECTION 1 HEREOF, TO GREAT PLAINS REALTY-AUCTION CO., DIRECTING NOTICE OF SALE BY PUBLICATION, AND PROVIDING FOR 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, 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. 2845-11 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 NO. 2845-11

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A TRACT OF LAND AS DESCRIBED IN SECTION 1 HEREOF, TO GREAT PLAINS REALTY-AUCTION CO., DIRECTING NOTICE OF SALE BY PUBLICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Randy Fleming, on behalf of Great Plains Realty-Auction Co., requested the sale and conveyance by Quitclaim Deed to the real estate hereinafter described, the Board of Public Works, 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 Randy Fleming, on behalf of Great Plains Realty-Auction Co., 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, contingent upon the acceptance of easements as proposed by the Utilities Department for existing Natural Gas main and an electric power line, 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 190 feet East of the Northwest Corner of Section 15, Township 8N, Range 11E of the 6th P.M., Otoe County, Nebraska, thence South 150 feet to the True Point of Beginning; thence East 50 feet; thence North 66.2 feet; thence West 50 feet; thence South 66.2 feet to the Point of Beginning, all without express or implied warranty by Grantor,

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a quitclaim deed to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Great Plains Realty-Auction Co.

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

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said Quitclaim Deed to the purchaser of said real estate, after the publication of 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 4th day of April, 2011.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2516-11 approving the amended and restated Interlocal Agreement that created the National Public Gas Agency. Moved by Commissioner Gay and seconded by Commissioner Mercer to approve Resolution 2516-11. Upon roll call the following voted YES: Handy, Gay and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2516-11

WHEREAS, the City of Nebraska City is a party to the Amended and Restated Interlocal Agreement (Interlocal Agreement) creating the National Public Gas Agency (NPGA), and

WHEREAS, on March 17, 2011, pursuant to Article VII of the Interlocal Agreement, an NPGA Member filed with the chairperson of the NPGA Board of Directors proposed amendments to the Interlocal Agreement, and

WHEREAS, the Interlocal Agreement provides that, in voting on any proposed amendment, each Member shall have one vote which must be received by the chairperson of NPGA within 60 days after the date of filing, and

WHEREAS, the Interlocal Agreement provides that if two-thirds of the Members approve the proposed amendment to the Interlocal Agreement, as evidenced by resolution of the governing body of each Member, such amendment will become effective 30 days after the approval by the Members.

NOW, THEREFORE, BE IT RESOLVED by the City of Nebraska City, that the City approves of the amendments to the NPGA Amended and Restated Interlocal Agreement which are shown on Exhibit A to the Resolution

Dated this 4th day of April, 2011

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk - Treasurer

Pay Haverty presented the recommendation by the EMS Division award the bid for the "Monitor/Defibrillator Combo to Physio Control in the amount of \$59,832.50. The Council asked Haverty why there was a discrepancy in the Bid Tab Sheet dollar amount and the letter of recommendation. Mr. Haverty apologized to the Council and stated that the EMS and Fire Squads were at a debriefing of the traffic death that happened last week and he could not answer that question. City Attorney, Bill Davis added that by statute you have to accept the lowest bid which is not what is recommended. Commissioner Crunk moved to postpone the decision until the dollar issue can be cleared up. Upon roll call the following voted YES: Handy, Gay, Crunk and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Pat Haverty explained that the FEMA Grant that enabled the EMS Division to purchase the lifesaving equipment also allowed for fire safety sprinklers to be installed in City Hall and Fire Station. The single bid received was below the estimate. Moved by Commissioner Gay and seconded by Commissioner Crunk to award the bid for the Fire Suppression System to Associated Fire Protection in the amount of \$59,800.00. Upon roll call the following voted YES: Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Pat Haverty asked the Council for permission to advertise for bids for the demolition of the Old City Hall and Fire Station on north 6th Street. Commissioner Gay stated that it is a shame that the City encourages property owners in the downtown historic district to keep their buildings safe and period correct and the City is going to tear down a building the City owns. Commissioner Handy moved to authorize staff to advertise for bids to demolish the Old City Hall and Fire Station. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced the liquor manager application for Wal-Mart #4209. Chief Lacy stated that the Police Department knew of no adverse information that would affect the issuance of the license. Moved by Commissioner Handy and seconded by Commissioner Crunk to approve the application of Christopher Chambers as manager of Wal-Mart #4209. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion Passed and adopted.

Action Tech	400.00	Contr	Michael Todd	2,553.60	Supp
Adkins Signs	60.00	Supp	Midwest Co-op	57.75	Fuel
Aflac	900.00	FSA	Midwest Machine	12.00	Rep
Ameritas	162.40	Ins	Midwest Turf	31.40	Rep
Arbor Mart	3,715.95	Fuel	Miller Monroe	75,483.00	Ins
AVAC	408.49	Contr	Momar	113.92	Supp
Bennett, R	3,485.60	Maint	Mullenax Auto	146.30	Rep
Blue Cross	6,680.42	Ins	Nationwide	10,214.27	Inv
Bound Tree	501.24	Med	NC Newspress	337.06	Advert
Brant, J	140.00	Contr	NCTC	5,417.00	Contr
Bridgestone Go	226.20	Msde	NE Comm Found	2,291.67	Contr
Carrot-Top Ind	133.99	Supp	NE Enviro Prod	50.79	Rep
Cintas	57.70	Contr	NE Exp Econ Dev	375.00	Contr
Citizen Printing	210.00	Supp	NE State Treas	94.09	Contr
City Tire	99.00	Equip	NE Turf Products	2,033.55	Seed
Creighton Univ	250.00	Med	NMC/Cat	220.12	Equip
Douglas Tire	30.00	Equip	Olsson Assoc	40,382.12	Contr
EMC Insurance	736.75	Ins	Orscheln	95.64	Rep
Food Pride	28.97	Conc	Otoe Co Clerk	10,790.99	Elec
Foremost Equip	205.00	Med	Payroll	142,157.68	Payroll
Giittinger, D	159.07	Mileage	Pepsi	170.60	Conc
Hampton Inn	149.90	Travel	Petty Cash	54.86	Postage

Haverty, P	230.25	Mileage	Prestige Flag	321.62	Supp
Hopkins Auto	212.55	Rep	Saint Elizabeth's	727.00	Med
Hotsy Equip	333.72	Contr	Schendel Pest	37.00	Pest Cont
JEO	640.00	Contr	SD Muni League	50.00	Advert
Kelly, D	9,403.89	CDBG	SEND	6,050.11	Contr
Komma, D	294.50	Misc	Sleuth Software	38,845.00	Sftwre
Komma, J	294.50	Misc	St. Mary's Hosp	24.58	Med
Konica Premier	245.00	Contr	Stutheit Imp	168.16	Rep
Kreifels Plbg	2,655.96	Contr	Tielke's Sandwich	26.94	Conc
Landis Engine	28.24	Rep	Titan Mach	233.49	Rep
Larson Motors	1,524.68	Equip	Titleist	448.41	Msde
LaRue Coffee	71.83	Supp	Two Sisters	400.00	Contr
Linweld	189.80	Med	Unum	5.10	Ins
Lynn Peavey	92.15	Supp	Verizon Wireless	403.00	Tele
Martin Marietta	2,469.10	Maint	Viox, A	202.98	Mileage
Mead Lumber	49.06	Rep	Watkins	141.33	Rep
Med Safety Sup	69.45	Med	Winn, Inc.	142.34	Msde
			Wood Family Fuel	50.00	Fuel

Meeting adjourned at 7:42 p.m.

Arnold M. Ehlers, 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