

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
April 15, 2013

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 April 15, 2013. 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: Jim Stark, 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 Güttinger.

Commissioner Handy moved to approve the minutes of the April 1, 2013, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Stark. Motion adopted.

Commissioner Mercer moved to pay all claims except Claim #7250B, seconded by Commissioner Handy. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Crunk to pay Claim #7250B. Upon roll call the following voted YES: Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed.

Mayor Hobbie proclaimed April 26, 2013 as "Stand for the Silent" to raise awareness of bullying and the effects bullying has on people of all ages. Several students from Lourdes and Nebraska City Public Schools were on hand to accept the proclamation.

Mayor Hobbie opened the Public Hearing on the Class I Liquor License application from Tyson Hermann for the bar located at 704 Central Avenue. City Attorney Bill Davis swore Mr. Hermann in and asked questions. On one else spoke in support or opposition to the application. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on Tower Development Permit Procedure and announced that the Public Hearing is postponed to May 6, 2013.

Mayor Hobbie opened the Public Hearing to determine if any written objections to the creation of Street Improvement District 2013-01 were received. No written objections to Street Improvement District 2013-01 were received. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson handed the City Administrator's Report to the Council and stated that if anyone would like to see additional statistics included in the report to please let him know. The Treasurer Reported a beginning balance on hand as of March 1, 2013 of \$219,852.11; revenues of \$669,896.04; expenses of \$731,439.09; leaving a cash balance on hand as of March 31, 2013 of \$158,309.06. Mayor Hobbie accepted the reports and asked that they be filed.

Moved by Mercer and seconded by Commissioner Handy to approve the Class I Liquor License of Tyson Hermann DBA Bing's Sports Bar. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Jen Olds with SENDD presented information on a new CDBG Program for a Comprehensive Investment and Stabilization Study which allocates grant funds for community improvements. Only communities between 5,000 and 20,000 are eligible for the funds. The funds can be used for parks, municipal properties and infrastructure. Moved by Commissioner Handy and seconded by Crunk to approve SENDD applying for the funds on behalf of the City of Nebraska City.

Upon roll the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Ms. Olds then presented the final results of the 2011 CDBG Housing Rehab Grant Nebraska City received. All but \$160.00 of the \$224,000.00 has been used. In all eight families had their homes improved with an average cost of \$25,000.00.

Jen Olds then informed the Mayor and Commissioners of the next round of CDBG Housing Rehabilitation Grants and presented a proposed application which would fund 10 housing rehab projects. Moved by Commissioner Handy and seconded by Commissioner Stark to authorize Jen Olds and SENDD to apply for the new Owner-Occupied Housing Rehabilitation Grant. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Action on Ordinance 2906-13 amending Section 522.05 of the Zoning Regulations was postponed until the May 6, 2013 meeting.

Mayor Hobbie introduced Resolution 2597-13 appointing Leroy Frana and Dan Patton to the MEAN Board. Moved by Commissioner Handy and seconded by Commissioner Stark to approve Resolution 2597-13. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**Resolution 2597-13**

***Representative and/or Alternate Representative to MEAN Management Committee***

WHEREAS, the City of Nebraska City, State of Nebraska, is a part to the Electrical Resource Pool Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Nebraska City to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee provided for under the terms of said Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Nebraska City, State of Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Leroy Frana as representative to said MEAN Management Committee.
2. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Dan Patton as alternate representative to said MEAN Management Committee.

***Director and/or Alternate Director to MEAN Board of Directors***

This is to certify that the City Council of the City of Nebraska , State of Nebraska duly appointed Leroy Frana to serve as director to represent the City of Nebraska City on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et. seq. (1987).

This is to certify that the City Council of the City of Nebraska City, State of Nebraska duly appointed Dan Patton to serve as alternate director to represent the City of Nebraska City on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et. seq. (1987).

*This is to certify that the appointments set out above were approved by the City Council of the City of Nebraska City, State of Nebraska, at their meeting on April 15, 2013.*

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Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2598-13 creating a ‘Handicapped Parking Space’ at 15<sup>th</sup> & Central Avenue. Moved by Commissioner Stark and seconded by Commissioner Handy to approve Resolution 2598-13. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2598-13**

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

That a “Handicapped Parking” stall be placed at the following location to regulate parking, and said regulation shall be effective twenty-four hours each day, for the purpose of setting aside a portion of Central Avenue, where only vehicles bearing a handicapped license plate, or a special plate, or a special handicapped permit attached to the rearview mirror, may be parked, to-wit:

The first parking stall located East of Fifteenth Street on the North side of Central Avenue adjacent to Lot 7, Block 15, Prairie City Addition to Nebraska City, Otoe County, Nebraska; and that said stall be identified by posting above ground and adjacent to such parking stall a sign as designated in Section 18-1737, of the Reissue of Revised Statutes of Nebraska, 2006 Cumulative Supplement.

Passed and approved this 15<sup>th</sup> day of April, 2013.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2907-13 entitled AN ORDINANCE VACATING THE ALLEY IN BLOCK 21, ELMWOOD ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA; RESERVING A UTILITIES EASEMENT, AS DESCRIBED HEREIN; 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: Mercer, Stark, 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. 2907-13 be passed and adopted?" Upon roll call the following voted YES: Mercer, Stark, 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. 2907-13

AN ORDINANCE VACATING THE ALLEY IN BLOCK 21, ELMWOOD ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA; RESERVING A UTILITIES EASEMENT, AS DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the property in Block Twenty-One, Elmwood Addition to Nebraska City, have requested that the alley in said block be vacated, and

WHEREAS, the Mayor and City Commissioners of the City of Nebraska City, Nebraska, find the City no longer has a need for the alley, and find 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 21, Elmwood Addition to Nebraska City, Otoe County, 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. That the City of Nebraska City reserves an easement, running east and west through the alley, unto itself and all persons or entities, at this time, or hereafter, holding franchises, contracts, permits, or licenses heretofore granted, or hereafter to be granted by said City, to furnish electric energy, water, gas, sewer service, CATV or fiber optic service, or any other public utility to the City, or its inhabitants thereof, and to enter said easement area to lay, install, erect and maintain therein the wires, pipes, manholes or other construction necessary and incident to said purposes.

SECTION 3. 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 15<sup>th</sup> day of April, 2013.

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Jack Hobbie, Mayor  
Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie presented the request by Windstream Nebraska, Inc to place buried communication facilities on public R-O-W. Commissioner Stark stated that Nebraska City is looking toward the future of telecommunications in the community and should make sure that requested use of public R-O-W takes into consideration future plans. Moved by Commissioner Stark and seconded by Commissioner Handy to postpone a decision on this request until the representatives of Windstream can be contacted and an agreement reached as to the size of the conduit to be buried on City R-O-W. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson summarized the RFP's received for bandwidth consulting and recommended that the Council reject all submittals. Moved by Commissioner Handy and seconded by Commissioner Stark to reject all RFP's for engineering and consulting services for bandwidth technology. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson asked the Council to authorize staff to have a draft franchise agreement for bandwidth service delivery prepared for the Council's review and action. Moved by Commissioner Stark and seconded by Mayor Hobbie to authorize staff to have a draft franchise

agreement drafted and presented to the Council at a later date. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

Moved by Mercer and seconded by Commissioner Handy to accept the bid of \$300.00 plus insurance to operate the concession stand at Steinhart Pool for the 2013 swim season. Upon roll call the following voted YES Stark, Crunk, Handy, Mercer and mayor Hobbie. Voting NO: None. Motion passed.

Louie Peterson addressed the Council with his and his neighbor's concerns about the condition of 5<sup>th</sup> Avenue west of 22<sup>nd</sup> Street. Mr. Charles who lives at 2211 5<sup>th</sup> Avenue added that he would like to see less dust and a smoother surface. The Council directed staff to develop possible solutions to their concerns.

Linda Hogeland requested use of Shelter #3 and to have the rent waived for the St. Benedict's Preschool outing. Moved by Crunk and seconded by Commissioner Stark to approve the request to use Shelter #3 and waive rent for St. Benedict's Preschool on May 6, 2013. Upon roll call the following voted YES: Handy, Mercer, Stark, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Susan Quinn of the Historical Society requested use of 6 picnic tables at the Old Freighter's Museum on May 5, 2013. Moved by Crunk and seconded by Mercer to approve the request to use 6 picnic tables on May 5, 2013 at the Old Freighter's Museum. Upon roll call the following voted YES: Stark, Handy, Mercer, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

A-1 Locksmith	Rep	229.92	Midwest Turf	Rep	695.43
ACCO	Rep	332.19	Miller Monroe	Ins	12408.00
Action Tech	Contr	470.00	Momar, Inc.	Supp	194.84
Allied Recycling	Contr	243.10	Mullenax Auto	Supp	1365.76
Arbor Mart	Fuel	2574.43	Municipal Code	Contr	700.00
AT&T	Tele	106.49	Nationwide	Pen	14801.12
Baird Holm	Contr	660.00	NC Museum Assoc.	Contr	16000.00
Barrett Const	Contr	720.00	NC Public School	Contr	6845.83
Barry, T	Rfnd	100.00	N.C. Utilities	Util	6546.81
Bell, C	Mileage	128.31	NE Dept of Revenue	Sls Tax	1256.49
BKD	Contr	3500.00	NE Environmental	Supp	475.00
Bob's Radiator	Rep	904.00	NE Law Enforcement	Trng	54.00
Bob's Welding	Rep	45.00	NE Salt and Grain	Supp	2889.86
Bohl Plbg	Rep	754.26	O'Reilly	Supp	23.76
Bound Tree Med	Supp	2783.43	Odey's	Seed	2894.60
Brown's Shoe Fit	Unif	95.00	Orscheln	Supp	331.38
Brownville Village	Adv	50.00	Otoe Co Clerk	Contr	5752.59
BSN Sports	Supp	350.93	Otoe Co Treasurer	Tax	1542.31
Callaway Golf	Supp	2117.13	Paper Tiger	Contr	35.00
Card Services	Supp	1269.12	Payroll	Payroll	84958.68
Casey's	Fuel	183.88	Pearson Education	Dues	183.81
Cintas	Supp	59.98	Pepsi-Cola	Conc	209.80
Doheny's Water	Rep	685.84	Pine Acres Nursery	Supp	490.00
Douglas Tire	Rep	668.11	Pine Valley Eco Prod	Supp	1346.40
Eggers Brothers	Supp	214.87	Purchase Power	Postage	400.00
EMS Billing	Contr	4238.68	Quality Remodeling	Contr	2475.00
F & B Const	Rep	400.00	Ramada Inn	Trng	288.00
Fareway	Conc	61.29	Rapid Access	Supp	70.00
First Nebraska Bank	Loan	57271.43	River City Transport	Contr	315.00
Food Pride	Supp	8.67	River View Pest	Pst Cntrl	342.00
Gatehouse	Adv	523.69	Shaffer Comm Inc	Equip	577.50
GE Capital	Misc	2.84	Shell	Fuel	106.36
Harland Tech	Contr	3439.00	Shively, R	Supp	90.00
Hopkins	Supp	21.80	Sirchie Finger Print	Supp	113.76
Ideal Pure Water	Contr	38.32	Stewart, T	Rfnd	25.00

JEO	Contr	1300.00	Thomas, B	Rfnd	25.00
Johnson, J	Mileage	406.90	Tielke's	Conc	40.80
KNCY AM-FM	Adv	1027.18	Titan Machinery	Rep	863.76
Knook & Kranny	Contr	2300.00	Tri-State Office	Supp	107.70
Konica Minolta	Contr	160.16	Tyco Security	Contr	135.16
Kustom Signals	Supp	25.00	United Seeds	Seed	1072.50
Landis Engine	Supp	17.00	UPREH	Rfnd	98.56
Larson Motors	Rep	250.89	Van Wall Turf	Equip	23052.97
LoNM	Dues	95.00	Verizon	Tele	14.04
Logan Contractors	Rep	185.79	Viox, A	Mileage	203.40
Matheson Tri-Gas	Supp	241.55	Warner, R	Rep	491.24
Mead Bldg	Rfnd	200.00	Watkins True	Supp	348.18
Mead Lbr	Supp	12.39	Windstream	Tele	2468.76
Mercer's	Supp	516.31	Zimco Supply	Chem	2186.25
Microfilm Imaging	Contr	80.00			

Meeting adjourned at 7:03 p.m.

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 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.

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 Arnold M. Ehlers, City Clerk-Treasurer