

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
April 16, 2012

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 16, 2012. 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Brett Gay. 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 Giittinger.

Commissioner Handy moved to approve the minutes of the April 2, 2012, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

Mayor Hobbie proclaimed April 27th through 29th as the official dates for the observance of Arbor Day 2012.

Mayor Hobbie moved and Mercer seconded the appointment of Charles Suhr as a probationary member of the Nebraska City Volunteer Fire and Rescue Department. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson presented the Monthly Department Activities Report as well as the City Administrator's update. The Treasurer reports a beginning balance on hand as of March 1, 2012 of \$1,017,363.71, revenues of \$682,380.66; expenditures of \$874,912.99; leaving a balance on hand as of March 31, 2012 of \$824,831.38.

Moved by Commissioner Crunk and seconded by Commissioner Handy to approve the request by Nebraska City Jaycees to hold the Independence Day Fireworks Display in Steinhart Park on June 30, 2012 and the annual Road Block at 11th Street and Central Avenue on June 23, 2012. Upon roll call the following voted YES: Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Rose Ralstin with NCTC presented a list of activities and venues planned for the next two weekends celebrating the 140th Annual Arbor Day. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the requests by NCTC for the 2012 Arbor Day Festivities. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana, General Manager of Nebraska City Utilities outlined the benefits of proposed Reserve Contract with Western Area Power Administration. Leroy added that this contract affirms the commitment WAPA made prior and is a prelude to a agreement which will extend Nebraska City's electric service from with WAPA until 2050. Moved by Commissioner Mercer and seconded by Commissioner Handy to authorize the Mayor to sign Contract No. 12-UGPR-628 to Reserve Firm Electric Service. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana explained the need to extend the natural gas line to a new commercial development in Syracuse. Moved by Commissioner Handy and seconded by Commissioner Crunk to approve Natural Gas Work Order #244 in the amount of \$16,027.24 extending a gas line in Syracuse.

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

Leroy Frana presented the Board of Public Work's recommendation to approve W.O. 248 replacing the current Bypass Natural Gas Odorizing Equipment originally installed in 1931. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the recommendation by the BPW to replace the Bypass Natural Gas Odorizing Equipment in the amount of \$40,194.60. Upon roll call the following voted YES: Crunk Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana explained the need to purchase equipment to assist in the installation of the replacement equipment for the Westphalia De-watering Centrifuge. Moved by Commissioner Handy and seconded by Mercer to approve the purchase of equipment to assist in the installation of equipment for the replacement of the defective Westphalia De-watering Centrifuge in the amount of \$128,635.00. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana presented a change order for the Wastewater Treatment Plant Project that would provide better flood protection and mitigation at the Wastewater Treatment Plant. Moved by Commissioner Handy and seconded by Mercer to approve the change order to provide flood protection and mitigation at the Wastewater Treatment Plant in the amount of \$238,755.00. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Kari Kuehn sent a written request representing visiting judges, requesting the City post the first three (3) spaces on west side of 10th Street south of Central Avenue as reserved. After discussion Commissioner Mercer moved and Commissioner Handy seconded to postpone a decision until additional information can be researched. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Crunk and seconded by Commissioner Handy to approve the request by Linda Hogeland/St. Benedict's Pre-school Class to waive the rental fee for a shelter in Steinhart Park on May 10, 2012. Upon roll call the following voted YES: Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Chief Lacy provided information on the Southeast Area Drug Enforcement (SEADE) Pact that has been in effect for several years. This past year Otoe County exited the pact which left Nebraska City virtually an island, separated by several miles from other members of the pact. He continued that economic issues and budget cuts along with minimal assistance from the drug task force it is his advice that Nebraska City no longer participate in the pact. Moved by Commissioner Mercer and seconded by Commissioner Handy to not approve the Inter-Local Agreement with SEADE. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2878-12 entitled AN ORDINANCE TO VACATE A PORTION OF 7th TERRACE IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF; RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY; AND TO DECLARE 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: Crunk, Mercer, 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. 2878-12 be passed and adopted?" Upon roll call the following voted YES: 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 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. 2878-12

AN ORDINANCE TO VACATE A PORTION OF 7th TERRACE IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF; RESERVING TITLE TO THE SAME IN THE NAME OF

THE CITY OF NEBRASKA CITY; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, Eva J. Massengale and Roger Massengale, have requested that a portion of 7th Terrace between Blocks 58 and 59, Kearney Addition to Nebraska City, Otoe County, Nebraska, be vacated, and

WHEREAS, because of the surrounding circumstances, the Mayor and City Commissioners of the City of Nebraska City find that the City no longer has a need for said street, and the applicants' request should be and is hereby approved.

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

SECTION 1. That a tract of land described as the Southwest half of 7th Terrace between Blocks 58 and 59, Kearney Addition to the City of Nebraska City, as the same abuts Lots 5, 6, 7, and 8, in Block 59, Kearney Addition to Nebraska City, Otoe County, Nebraska, be and the same is hereby vacated, and title to such street is hereby reserved unto the City of Nebraska, Otoe County, Nebraska.

SECTION 2. That 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 16th day of April, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2562-12 to approve a professional services agreement with Olsson Associates for the 4th Corso Mill & Overlay Project. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2562-12. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true and correct copy of said resolution is as follows:

RESOLUTION 2562-12

SIGNING OF PROFESSIONAL SERVICES AGREEMENT

Whereas: The City of Nebraska City is developing a transportation project for which it intends to obtain Federal funds;

Whereas: The City of Nebraska City as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-Aid project.

Whereas: The City of Nebraska City and Olsson Associates, Inc. wish to enter into a Professional Services Agreement to provide Construction Engineering services for the Federal-Aid project.

Be It Resolved: by the Mayor and Commissioners of the City of Nebraska City, Nebraska that: Jack Hobbie, Mayor of the City of Nebraska City, Nebraska, is hereby authorized to sign the attached Construction Engineering Services Agreement between the City of Nebraska City, Nebraska and Olsson Associates, Inc.

NDOR Project Number: URB-6217(3)

NDOR Control Number: 12938

NDOR Project Description: 4th Corso, Nebraska City

Adopted this 16th day of April, 2012 at Nebraska City, Nebraska.

The City Council of the City of Nebraska City, Nebraska.

Brett Gay	Public Works Commissioner
Jeff Crunk	Parks Commissioner
Dean Handy	Street Commissioner
Mark Mercer	Finance Commissioner
Jack Hobbie	Mayor

Commissioner Handy moved the adoption of said resolution.

Commissioner Mercer seconded the motion.

Roll Call: 4 Yes 0 No 0 Abstained 1 Absent

Resolution adopted, signed and billed as adopted.

Attest:

Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie moved to appoint citizens to an Ad Hoc Committee to review the existing sign ordinance. Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint John Livingston, Dan Giittinger, Chuck Stoner, Paul Davis, Bob Moser, Jim Stark and Keith Morrison to the Sign Ordinance Review Committee and Craig Davis and Chris Adkins as no voting advisors to the committee. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger presented a list of items to be declared surplus to city's needs. Moved by Commissioner Handy and seconded by Mercer to declare the list of items presented as surplus

and authorize staff to auction said surplus property. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Resolution 2563-12 was removed from the agenda as necessary documents were not available to be reviewed by meeting time.

Moved by Commissioner Handy and seconded by Mercer to approve the request by Leadership Nebraska City to use the Stone Cabin in Steinhart Park on April 21, 2012 for a fund raiser to replace the roof on the cabin. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Motion passed.

ACCO	198.10	Supp	Landis Engine	62.20	Supp
ADT Security	128.12	Contr	Loveland Grass	2619.75	Seed
Alamar Uniforms	186.16	Unif	Lynn Peavey	48.75	Supp
Allied Recycling	314.63	Garbage	Martin Marietta	1116.07	Supp
Amerine Builders	200.00	Rfnd	Matheson	43.15	Med
Arbor Mart, Inc	3604.00	Fuel	Milner Dist Alliance	264.68	Supp
Arbor Outdoor	25.20	Rep	Mead Lumber	38.94	Rep
Beelner Services	508.00	Rep	Menards	60.97	Supp
Bescheinen, R	25.00	Rfnd	Mercer's	175.52	Supp
Bohl Plumbing	404.59	Rep	Microfilm Imaging	80.00	Sftwre
Bound Tree	692.73	Med	Midtown Holiday Inn	280.00	Training
Brown Glass	58.20	Rep	Midwest Service	200.00	Supp
Brown's Shoe	227.96	Unif	McNeely, M., DDS	5468.67	Loan
Callaway Golf	1495.53	Supp	Mullenax Auto	363.45	Supp
Card Services	710.00	Misc	Municipal Code	550.00	Contr
Casey's	609.82	Fuel	Nationwide	9538.29	Inv
Century Lumber	31.95	Supp	NC Ind Dev Found	317500.0	Econ Dev
Champion Const	25.00	Rfnd	NC Upholstery	58.72	Rep
Cintas	60.57	Contr	NC Utilities	7620.52	Util
Clark, J	25.00	Rfnd	NE Dept of ED	5000.00	Dues
Continuum	1875.00	Contr	NE Environ Prod	1358.62	Rep
Creighton Univ Med	1400.00	Dues	NE Golf & Turf	5850.00	Supp
Dan's Tire & Repair	2400.00	Rep	NE Workforce Dev	4252.86	Contr
Danko	42.59	Rep	O'Reilly	64.47	Rep
Davis, William	150.00	Legal	Omaha Tractor	1564.75	Rep
Don's John's	150.00	Contr	Orscheln	141.00	Supp
Douglas Tire Co.	18.00	Rep	Osten, V	20.00	Mileage
EMS Billing	3288.01	Med	Otoe County Clerk	5752.59	Contr
Eyman, C	25.00	Rfnd	Paper Tiger	139.00	Misc
Fareway	62.51	Conc	Parrott, G	444.50	Rfnd
First Class	48.80	Misc	Payroll	85020.50	Payroll
Food Pride	31.04	Supp	Purchase Power	400.00	Postage
Gatehouse Media	667.25	Advert	River View Pest	342.00	Pst Cntrl
Giittinger, D	259.83	Mileage	SEND	8773.00	CDBG
Goebel, G	25.00	Rfnd	SE Area Clerks	10.00	Dues
Harding & Shultz	1035.00	Legal	Stryker Sales	47.26	Rep
Harland Tech	2998.00	Contr	Tielke's Sandwiches	13.50	Conc
HireRight	76.25	Med	Trade Well	850.00	Supp
Hopkins Auto	4.99	Rep	Tree City Tees	186.95	Unif
Hornung's Golf	69.94	Supp	Tri-State Office	230.29	Supp
Hotsy Equip	136.23	Maint	Two Sisters Clean	350.00	Contr
Hydraulic Equip	788.00	Rep	Van Wall Equip	106.27	Rep
Ideal Pure Water	24.42	Supp	Verizon Wireless	16.74	Tele
Johnson, J	169.91	Mileage	Viox, A	529.47	Mileage
Keim Farm Equip	126.22	Rep	Watkins	139.88	Supp
K&Z Distributing	56.80	Conc	Windstream, Inc.	2414.51	Tele
KNCY AM-FM	163.62	Advert	Winfield Solutions	1524.34	Supp
Knook & Kranny	2300.00	Contr	Wurtele Dist	34.17	Conc
Konica Minolta	145.60	Supp	Wurtele, G	66.45	Misc
Kreifels Electric	272.20	Rep			

Meeting adjourned at 7:02 p.m.

Arnold M. Ehlers, City Clerk - Treasurer