

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
April 19, 2010

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 April 19, 2010. 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. Mayor Jack Hobbie led in the Pledge of Allegiance. Upon roll call the following answered present: Jeff Crunk, Dean Handy. Absent: Brett Gay and Mark Mercer. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the April 5, 2010 City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Mayor Hobbie moved to appoint Erv Friesen to the Board of Public Works for a 5-year term. Upon roll call the following voted YES: Handy, Crunk, and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Kristina Goldman as a probationary member of the Nebraska City Volunteer Fire and Rescue Department. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed April 30 through May 2, 2010 as the official dates for the observance of Arbor Day.

Mayor Hobbie opened the Public Hearing for the application for Down Payment Assistance CDBG Funds. Dave Taladay, Executive Director of SENDD explained that these funds could also be used for minor repairs to the house to be purchased. No one else spoke in support or opposition to the application. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty informed the Council that Arbor Day Clean-up was in progress with free dumping of yard waste for citizens. Staff met with Memorial Building Architects from Sinclair-Hille for preliminary design input. Contracts for design of Steinhart Park Trail Phase II are at NDOR for signatures. South 11th Street and 11th Corso will start one week late. The Treasurer reported a balance on March 1, 2010 of \$2,068,030.29. There was revenue of \$704,152.97 and expenditures of \$847,932.95 leaving a balance on March 31, 2010 of \$1,924,250.31. Tracy Wieckhorst, Executive Director of Nebraska City Housing Authority presented the Council with the Housing Authority's Annual Report. Mayor Hobbie accepted the reports and asked that they be placed on file.

Mayor Hobbie introduced Resolution 2466-10 approving the application for 2010 Down Payment Assistance with Minor Rehabilitation. Commissioner Handy moved to approve Resolution 2466-10 and authorize the Mayor to sign all documents. Upon roll call the following voted YES: Mercer, Crunk, Gay, handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2466-10
AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN
AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS

Whereas, the City of Nebraska City, Nebraska, is an eligible unit of a general government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant (CDBG) Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program (NAHP).

Whereas, the City of Nebraska City, Nebraska has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$285,200 in NAHP funds to implement (with the Nebraska City Affordable Housing Council, Inc.) a down-payment assistance program (with minor rehabilitation) for homebuyers in the City; and,

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Nebraska City, Nebraska that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Nebraska City, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed: _____
Jack Hobbie, Mayor

Date: _____

Mayor Hobbie introduced Resolution 2467-10 for the Class "D" liquor license application from The Avenue Grill. Commissioner Handy moved to approve Resolution 2467-10. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2467 -10

WHEREAS, an application was filed by The Avenue Grill Company LLC, doing business as The Avenue Grill, at 610 Central Avenue, Nebraska City, Nebraska, for a Class "D" Liquor License; and

WHEREAS, a public hearing notice was published in the *Nebraska City News-Press* as required by state law on April 9, 2010; such publication cost being \$ 13.64; and

WHEREAS, a public hearing was held on April 19, 2010, for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that;

_____ The City of Nebraska City hereby recommends approval of the above identified liquor license application.

Passed and adopted by the Mayor and Commissioners of the City of Nebraska City, Nebraska, on April 19, 2010.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, Clerk

Tracy Wieckhorst requested the Council approve a revised Payment in Lieu of Taxes plan for Nebraska City Housing Authority. Commissioner Handy moved to approve the revised plan setting the new rate at \$8,000 per year. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Rose Ralstin from NCTC asked the Council to approve a variety of activities for this year's observance of Arbor Day. Commissioner Handy moved to approve the request by NCTC for various Arbor day Activities and use of City property. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Chad Godsey from the Nebraska City Jaycees requested use of the Nebraska City Municipal Airport for the Annual Fly-In Breakfast held in conjunction with Arbor Day. Commissioner Handy moved to approve the request by Nebraska City Jaycees to hold their Fly-In at the Nebraska City Municipal Airport. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Sheila Essary requested that the Council waive the rent fee for Cub Scout Pack 353 use of Shelter #1 on May 4, 2010. Commissioner Crunk moved to approve waiving the fee for Cub Scout Pack 353. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Pam Frana, President of the Nebraska City Swim Team and Kent Blum requested the Council either waive or reduce pool fees for team members. Commissioner Handy moved to allow swim team members who did not have season passes to pay an additional \$10.00 with their swim team membership for season pool privileges. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Chris Gress asked the Council permission to hold the Farmer's Market in the Memorial Building Parking Lot each Thursday from May 27th to September 9th. Commissioner Handy moved to approve the request to hold the Farmer's Market in the Memorial Building Parking Lot from May 27th to Sept 9th. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2463-10 placing Stop signs on all 4 corners at 5th Street and 12th Corso. Commissioner Handy move to approve Resolution 2463-10. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2463-10

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

That stop signs be erected at the Northwest corner and the Northeast corner of the intersection of 5th Street and 12th Corso, in Nebraska City, Nebraska, to supplement the existing signs at the Southwest corner and the Southeast corner of said intersection, to create a four (4) way stop, which signs shall govern all traffic moving through said intersection and shall be effective twenty-four hours each day.

Passed and approved this 19th day of April 2010.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2464-10 requiring proof of alcohol server training. Commissioner Mercer moved to approve Resolution 2464-10. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2464-10

Whereas, the City Council of the City of Nebraska City makes recommendations to the Nebraska Liquor Control Commission for liquor licenses within the corporate limits of the City of Nebraska City; and

Whereas, the City Council of the City of Nebraska City desires that all establishments located within the corporate limits of Nebraska City, Nebraska and serving alcoholic beverages to their patrons require that each of their employees receive alcohol server training from a person or entity approved by the Nebraska Liquor Control Commission to provide such training, and

Whereas, Certified alcohol server training is available from many sources,

Now Therefore Be It Resolved, That the City of Nebraska City requires that current Certificates of Completion of alcohol server training be on file at City Hall for all persons serving alcoholic beverages within the corporate limits of the City of Nebraska City, Nebraska.

PASSED AND APPROVED THIS 19TH DAY OF APRIL, 2010

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers Clerk-Treasurer

Mayor Hobbie introduced Resolution 2465-10 assessing certain costs to properties. Commissioner Handy moved to approve Resolution 2465-10. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2465-10

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

WHEREAS, Section 18-58, of the Code of Ordinances, Nebraska City, Nebraska provides that the City may have a lien upon real property for the mowing of weeds, grasses and worthless vegetation or clean up of litter, which under said Ordinance constitutes a nuisance; and,

WHEREAS, Notice to abate and remove such nuisance was given to each of the owner(s) and occupant(s) of the following described property(s) at least five (5) days prior to removal by the City of Nebraska City, Nebraska; and,

WHEREAS, The City of Nebraska City, Otoe County, Nebraska has mowed weeds, grasses, worthless vegetation or cleaned up the following described real estate, to-wit:

514 6th Corso., Lot 7; Block 28; South Nebraska City Addition, City of Nebraska City, Otoe County, Nebraska - \$55.54

524 7th Ave., Lot 7; Block 84; Greggspport Add.; Nebraska City, Otoe County, Nebraska – \$422.54

910 4th Corso., E½ Lot 8; All Lot 9; Block 8; South Nebraska City; Nebraska City, Otoe County, Nebraska - \$171.72

1612 3rd Corso., Lot 4 in S½ Block 8;Hail & Co. Addition; Nebraska City, Otoe County, Nebraska - \$356.30

1205 N. 10th Street., Lots 10-12; Block 39; Greggspport Addition; Nebraska City, Otoe County, Nebraska - \$357.10

After failure of the owner(s) to abate and remove the same from said real estate; and

WHEREAS, the City of Nebraska City, Otoe County, Nebraska has incurred the cost relative to the mowing of weeds, grasses and worthless vegetation or cleaned up said real estate and,

WHEREAS, the City sent the property owner a bill for said cleanup which has not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

WHEREAS, Said Special Assessments shall draw interest at the rate provided by Section 45-104.1 of the Revised Statutes of Nebraska, from the effective date hereof.

NOW THEREFORE BE IT RESOLVED, that the City Clerk-Treasurer of Nebraska City is hereby authorized to file with the Otoe County Treasurer, Special Assessments for Improvements in the amount(s) and against the property(s) specified above, all located within Nebraska City, Otoe County, Nebraska.

Passed and approved this 19th day of April, 2010

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk – Treasurer

Emily Parker representing Parkers Smokehouse LLC requested a Sidewalk Café permit. Commissioner Handy moved to approve the request by Ms. Parker for a Sidewalk Café permit. Upon roll call the following voted YES: Handy, Crunk, and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty informed the Council that staff has determined that hiring a full time engineer will be put on hold at this time.

Mayor Hobbie opened discussion on defining and regulating the location and number of vehicles allowed on a residential property. Pat Haverty explained suggestions modifying Ordinance 2800-10 presented at the last meeting. Those changes included parking on circle driveways, corner lots would be defined as having two front yards, possibility of using compacted gravel with barriers and perpendicular parking may be created on city right-of-way as long as no part of the vehicle is on the street and does not encroach upon the sidewalk. Said parking area shall match the street surface. John Lant spoke about how rental rates would not be able to recoup the driveway investment. Mark Johnson added that this ordinance would limit expression of individuality. Jerry Barrett asked if current rock driveways would be grandfathered. No. Dave Spidell said if the city forced people to park in back yards would the alleys be a priority for snow removal. No. Linda Wilberger said the increased costs to landlords would be passed onto renters and thereby drive renters out of town. Dave Lacy wanted to make sure that property owners who kept their properties in good condition not have neighbors who kept a salvage yard which devalued the neighborhood. Lacy also said the city could possibly relax the 24 hour parking rule which might alleviate some of the problem. Mayor Hobbie thanked everyone for their input but stated that no one had provided a solution to the growing problem of too many cars parked around houses.

Mayor Hobbie introduced Ordinance 2801-10 for the second reading. Ordinance 2801-10 was read by title only. Pat Haverty informed the Council that Commissioner Gay although absent has some reservations about the current language in 2801-10.

At 7:54 p.m. Mayor Hobbie moved to go into Executive Session to discuss potential employee discrimination litigation and claim settlement discussion and include Public Properties Director Dan Giittinger. Upon roll call the following voted YES: Crunk, Handy, and Mayor Hobbie. Voting NO: None. Motion passed.

At 8:27 p.m. Mayor Hobbie moved to come out of executive session. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie Upon roll call the following answered present: Jeff Crunk,

Mayor Hobbie moved to authorize staff to negotiate with employee. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Motion passed.

Meeting adjourned 8:35 p.m.