

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
May 5, 2014

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on May 5, 2014. 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, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jeff Crunk. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Stark moved to approve the minutes of the April 21, 2014, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Stark, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Handy. Motion adopted.

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

Abbott, P	Rfnd	25.00	Matheson	Sup	177.26
Adkins Signs	Sup	311.00	Mead Lumber	Sup	26.87
Alamar	Unif	798.08	Microfilm Imaging	Contr	80.00
Allied	Garbage	245.61	Mullenax	Sup	1756.22
Arbor Mart	Fuel	4211.52	Nationwide	Inv	12468.22
AVAC	Misc	147.72	NC Clerk - Treas	Misc	42.70
Arrow Mfg	Sup	73.54	NC Museum Assoc	Contr	2406.25
Atchison County	Adv	90.00	NCTC	Contr	46250.00
B.C. Meyer Const	Rfnd	200.00	NE Expressways	Dues	1137.09
Beacon Athletics	Sup	174.00	NE Life Magazine	Dues	300.00
Bennett, R	Contr	6533.13	NE Public Health	Med	105.00
Berry	Adv	46.56	Night Flyer Golf	Adv	965.00
Bill Walters	Rep	278.44	O'Reilly	Sup	231.22
Bohl Plbg	Rep	675.66	Omaha Tractor	Sup	159.79
Brown's Shoe	Unif	30.00	Orscheln	Sup	80.11
BSN Sports	Sup	59.98	Otoe County Clerk	Contr	982.00
Callaway	Mdse	1343.39	Paper Tiger	Garbage	35.00
CDA	Misc	6741.00	Payroll	Payroll	94623.17
Channing Bete	Sup	1357.05	Physio-Control	Sup	304.50
Citizen Printing	Sup	40.00	Pite, D	Contr	174.75
Don's Johns	Sup	150.00	Premier-Midwest	Bev	34.00
Double Eagle	Bev	115.20	Region V	Sup	60.00
Douglas Tire	Rep	55.90	Moyer, R	Rfnd	200.00
Eggers Bros	Sup	29.52	S Systems	Sftwre	389.98
Fareway	Conc	186.41	Schmitz Land	Contr	857.30
Fireguard	Rep	489.60	Security Equip	Contr	1346.87
First Nebraska	Loan	57304.46	Snodgrass, A	Fuel	77.23
Gatehouse	Adv	50.14	St. Mary's Hospital	Sup	740.03
Giittinger, D	Mileage	167.24	Strong, M	Contr	316.50
Hornung's	Mdse	28.95	Stutheit Impl.	Sup	234.80
J. Park, LLC	Rent	900.00	Tielke's	Conc	67.56
Jensen, C	Contr	123.75	Titan Machinery	Sup	21.39
JEO Consulting	Contr	7206.00	Todd Valley Farm	Chem	894.00

K & Z Dist	Bev	86.40	Tree City Tees	Unif	104.00
Konica Minolta	Contr	176.17	Tri-State Office	Sup	541.41
Konica Minolta	Contr	245.00	Two Sisters CIng	Contr	175.00
KR Creative	Contr	600.00	UHC	Ins	5356.65
Landis Engine	Sup	88.56	Van Wall Turf	Sup	200.58
Larson Motors	Rep	178.04	Verizon	Tele	372.09
LaRue Coffee	Sup	47.07	Vidacare	Sup	1347.51
Lind, D	Rfnd	25.00	Voice News	Adv	73.50
Loveland Grass	Seed	334.35	Watkins	Sup	134.06
Magana, E	Rfnd	25.00	York, A	Contr	174.75

Mayor Hobbie proclaimed May 4 – 10, 2014 as Drinking Water Week.

Mayor Hobbie opened the Public Hearing on a request from Dr. Terry and Carla Wostrel for a grant/loan in the amount of \$75,000 to open a wine and gift shop in Nebraska City. Stephanie Shrader explained how the division of funds was determined. \$16,230 is a grant from the Downtown District Assistance Funding Grant and \$58,770 is a loan. Clint Wostrel and Steve Harris of Vostrel Farms LLC answered questions and explained their orchard operation. Moved by Commissioner Handy and seconded by Mayor Hobbie to close the Public Hearing. Upon roll call the following voted YES: Mercer Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2632-14 approving loan/grant to Vostrel Farms. Moved by Commissioner Handy and seconded by Stark to approve Resolution 2632-14. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true, correct copy of said resolution is as follows:

**RESOLUTION NO. 2632-14**

**TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY ECONOMIC DEVELOPMENT PROGRAM (LB840)**

**WHEREAS**, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,

**WHEREAS**, Program funds for Economic Development are allowed to be used for making grants for spurring downtown revitalization, the attraction of new capital investment through business development and to promote tourism in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

**WHEREAS**, the City of Nebraska City Economic Development Plan has previously been adopted, and,

**WHEREAS**, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible entity for a total funding of \$75,000 under specified conditions, funding will consist of \$16,230 in a grant through the Downtown District Assistance Program and \$58,770 in a loan and,

**WHEREAS**, the City Council of Nebraska City conducted a public hearing upon the proposed use of Economic Development Program funds,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the grant project for **“Vostrel Prairie Farms, L.L.C.”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 21st day of April, 2014 by the Mayor and Council of the City of Nebraska City, Nebraska.

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Jack Hobbie, Mayor

Dale Widoe addressed the Council with a request from “Friends of Nuckolls Park” to power wash the gazebo and add plants. Moved by Commissioner Handy and seconded Mercer by to approve the request from Friends of Nuckolls Park to power wash and seal the gazebo, plant flowers and plants in the sign planter. Upon roll call the following voted YES: Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance No. 2934-14 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF VACATED NORTH 11<sup>TH</sup> STREET, NEBRASKA CITY, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, TO FREDDIE BISHOP AND RITA BISHOP, HUSBAND AND WIFE, AS JOINT TENANTS; 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: Stark, 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. 2934-14 be passed and adopted?" Upon roll call the following voted YES: Stark, 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. 2934-14

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF VACATED NORTH 11<sup>TH</sup> STREET, NEBRASKA CITY, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, TO FREDDIE BISHOP AND RITA BISHOP, HUSBAND AND WIFE, AS JOINT TENANTS; DIRECTING NOTICE OF SALE BY PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Freddie A. and Rita S. Bishop, have requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners of the City 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 Freddie and Rita Bishop, for the consideration of One Hundred Dollars (\$100.00) and 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:

Commencing at the Northwest (NW) Corner of Lot Seven (7), Block Forty-Two (42), Greggsport Addition to Nebraska City, Otoe County, Nebraska, thence South along the West line of said Lot Seven (7), a distance of 29.11 feet to the North right-of-way line of the Union Pacific Railroad, thence Northwesterly along said North right-of-way line to its intersection with the North line of Lot Seven (7) extended, thence East along said North line of Lot Seven (7) extended, a distance of 56.02 feet to the Point of Beginning;

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a quit claim deed, to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Freddie Bishop and Rita Bishop, Husband and Wife, as Joint Tenants.

Section 2. 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 the 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 5<sup>th</sup> day of May, 2014.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2935-14 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF LOTS 1-A, 1-B, 1-C AND 1-D, DEER TRAIL SUBDIVISION, NEBRASKA CITY, OTOE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, TO JERICO INVESTMENTS, LLC; 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: Stark and Mercer. Voting NO: Handy and Mayor Hobbie. The motion failed.

Mayor Hobbie introduced Ordinance No. 2936-14 entitled: AN ORDINANCE AMENDING SECTION 2-257 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; 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: Stark, 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. Mercer requested that the ordinance be changed to read that the Nebraska City use the accrual method of accounting so that it matches all the other audits. Stark said that the ordinance did not include some of the things he thought it would include. Stark stated that he will need to

have a conversation with the City Attorney so that it covers what he wants. Moved by Stark and seconded by Mercer to postpone action on 2936-14 until after he has an opportunity to discuss this with the City Attorney. Upon roll call the following voted YES: Handy, Mercer, Stark and Mayor Hobbie.

Moved by Commissioner Handy and seconded by Mercer to approve the lien release on 319 6<sup>th</sup> Avenue. Upon roll call the following voted YES: Stark, Mercer, Handy and Mayor Hobbie. Voting NO: No: None. Motion carried.

Joe Johnson presented a Request for Proposals for auditing services for Nebraska City. Mercer stated that he wants to have the accounting changed to accrual. Stark asked about the Comprehensive Financial Report. Mercer said he was afraid that the Comprehensive Financial Report will cost more money. Stark requested that Paragraph E be struck. Stark asked Mr. Johnson to make the recommended changes and bring the RFP back to the Council.

Moved by Mayor Hobbie and seconded by Commissioner Handy to award the concessions to Jackie Moyer and Shirley Stidd for \$225.00. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Meeting adjourned at 7:07 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