

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
May 17, 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 May 17, 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: Brett Gay, Jeff Crunk, Dean Handy and Mayor Hobbie. Absent: 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, and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Handy moved to approve the minutes of the May 3, 2010, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: Crunk, Gay, 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: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the work permit for Slama Electric. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed June 5, 2010 as Buddy Poppy Day for the benefit of disabled veterans and the widows and orphans of deceased veterans.

Mayor Hobbie opened the Public Hearing on the loan request by Molly McNeely, DDS for an Economic Development Loan. Stephanie Shrader presented information on the loan application and use of funds. Molly McNeely answered questions concerning off street parking and removal of the existing building. No one else spoke in support or opposition to the loan request. Commissioner Gay moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Handy, Gay, and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty presented the City Administrator's report which included the date of the first Council Meeting in July since July 4th falls on a Monday. Bid openings for the Livingston Property Project on June 2 and Paap's Parking Project on June 3. There will be an Open House on May 25th to present preliminary design plans to the public on the Memorial Building Project. And finally there will be an Open House for Northside and Hayward Schools on May 27th. The Treasurer's Report showed a beginning balance April 1 of \$1,924,250.31 revenues of \$292,580.07 and expenditures of \$325,982.86 leaving an ending balance April 30 of \$1,890,847.52. Mayor Hobbie accepted the reports and asked that they be placed on file.

Mayor Hobbie introduced Resolution 2471-10 approving the loan request by Molly McNeely, DDS. Commissioner Gay moved to approve Resolution 2471-10 and authorize the Mayor to sign all documents. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2471-10
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 loans to eligible businesses 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 business for a loan of \$75,000 under specified conditions, 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 loan for “**Molly McNeely D.D.S.**”, contingent upon approval of the City Attorney as to form.
Passed and adopted on the 17th day of May, 2010 by the City Council of Nebraska City.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Ordinance 2803-10 entitled AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM I-2 INDUSTRIAL TO R-2 RESIDENTIAL; TO PROVIDE INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE 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. At that time Dan Giittinger explained the need for the rezone request by Tamela Osborn. The Mayor then stated the question: “Shall Ordinance No. 2803-10 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. 2803-10

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM I-2 INDUSTRIAL TO R-2 RESIDENTIAL; TO PROVIDE INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, application for a change of zoning classification has been made by Tamela Osborn, and said application has been referred to the Planning Commission for a recommendation,

Whereas, the Planning Commission held a public hearing on said application and has recommended to the City Council approval of the requested change in zoning classification, and

Whereas, the City Council has held a public hearing on the matter, after giving due notice thereof as required by law,

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

SECTION 1. That the Official Zoning Map of the City of Nebraska City, Nebraska, as adopted by Ordinance No. 2576-03 of the City of Nebraska City, Nebraska, is hereby amended from I-2 Industrial to R-2 Residential, insofar as the same relates to the property legally described as:

Lot One (1), O’Flaherty Subdivision in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section 17, Township 8N, Range 14 E, Otoe County, Nebraska, also known as 2407 Industrial Road, in the City of Nebraska City, Nebraska.

SECTION 2. That the City Clerk be and is hereby authorized to amend the Official Zoning Map of the City of Nebraska City by designating the zoning classification therein as provided by this ordinance.

SECTION 3. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and Approved this 17th day of May, 2010.

Jack Hobbie, Mayor
Attest:

The agenda item requesting the Quit Claiming of a portion of South 2nd Street to Paul Smalley was postponed until further research could be completed.

Mayor Hobbie introduced Resolution 2473-10 declaring Nebraska City an entrant in the NCIP for year 2010. Commissioner Handy moved to approve Resolution 2473-10. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true, correct and complete copy of said ordinance is as follows:

RESOLUTION NO. 2473-10

Whereas, the local municipal government must provide leadership for improving community and economic development efforts; and

Whereas, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

Whereas, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

Whereas, the City Council of Nebraska City do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

Now Therefore Be It Resolved, that the City of Nebraska City urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP for the year of 2010.

PASSED AND APPROVED THIS 17TH DAY OF MAY, 2010

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers Clerk-Treasurer

Duane Koehlmoos with Nebraska City Jaycees requested approval from the City Council to hold a "Road Block" at the intersection of 10th St and Central Avenue on Sat. June 12th to collect donations for the annual July 4th Fireworks Display. Commissioner Handy moved to approve the request by the Nebraska City Jaycees. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None Motion passed.

Duane Koehlmoos with the Nebraska City Jaycees presented an application for a Fireworks Display Permit for July 3, 2010. Commissioner Crunk moved to approve the Fireworks Display Permit. Upon roll call the following voted YES: Gay, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Dee Norstadt requested that 5th Avenue be closed between 17th and 18th Streets on May 30, 2010 from 1 to 4 p.m. for family reunion games. Commissioner Handy moved to approve the request to close 5th Avenue from 17th to 18th Streets on May 30, 1 to 4 p.m. with the condition that emergency vehicles be able to use the street if needed. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty described revisions made to Ordinance 2800-10 pertaining to parking vehicles on residential lots. They included the removal of the number of vehicles allowed on a residential lot and expanded the description of materials that could be used to form a driveway. Prohibition of parking on any area other than a designated driveway or parking area and the percentage of area which could be used for the parking of vehicles. The City Attorney expressed concern about residences that already have the majority of the rear yard hard surfaced. Chief Lacy stated that possibly those residences that have home businesses could be excluded. No one else spoke in support or opposition to the ordinance.

Discussion on Ordinance 2801-10 was short as there were no changes to the verbiage. Rick Brehmer addressed the Council expressing a concern that Hobbyist Permits which allow the resident to work on a vehicle for 180 days does not allow adequate amount of time for classic car restoration. Mayor Hobbie stated that the intent of the Hobbyist Permit was not for restoration but for repairs and that a proper structure should be acquired for restoration. No one else spoke in support or opposition to the ordinance.

Commissioner Crunk moved to approve the request by Nick Debolt of BC Surf and Sport to hold a "BC Day" product demonstration at the Skate Park. Upon roll call the following voted YES: Gay, Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Dan Giittinger answered questions concerning the list of property no longer of benefit to the city and asked that the Council declare the items surplus and authorize staff to sell said property at auction. Commissioner Handy moved to approve the items on the list as surplus and authorize

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

AACPM	25.00	Dues		Mercer's	537.93	Rep
ACCO	248.83	Supp		Mid-Amer Termite	43.48	Pest Control
Adkins Signs	1,514.00	Supp		Midwest Towing	50.00	Rep
ADT Security	474.01	Contr		Midwest Turf	49.76	Rep
Afternooners	6.87	Training		Miller Monroe	13,296.00	Ins
Allied Refuse	331.24	Garbage		Mine Safety	673.69	Equip
Ambassador	35.00	Advert		Moore Medical	1,312.61	Med
Arbor Mart	3,477.50	Fuel		Mullenax Auto	468.98	Rep
Atchison Co	90.00	Advert		Nationwide	10,855.20	Ins
Beelner Services	387.50	Maint		NC Newspress	909.70	Advert
Boerner Estate	689.00	Misc		NC Public School	7,250.00	Contr
Bohen, Donnalea	90.00	Misc		NC Utilities	7,410.50	Util
Bohl Plumbing	937.34	Rep		NE Dept Rev	1,970.80	Sales Tax
Brown Glass	265.00	Rep		NE Exp Econ Dev	375.00	Dues
Brown's Shoe	70.00	Unif		NE Medicaid	578.75	Misc
Callaway	102.90	Msde		NE Turf	4,826.25	Seed
Cal-Tech	50.00	Sftwre		Nebaska Golf	21.00	Supp
Casey's	18.20	Fuel		Nebraska Life	245.00	Advert
Cintas	55.00	Contr		NebWorks	120.00	Sftwre
Citizen Printing	42.00	Misc		North Star Const	1,500.00	Contr
City of NC	5,675.00	Bond		Omaha Tractor	241.10	Equip
Concrete Ind	147.00	Supp		O'Reilly Auto	19.99	Rep
Continuum EAP	1,875.00	Contr		Orscheln	255.46	Rep
Danko Emerg Eq	265.77	Equip		Otoe Co Clerk	2,672.64	Contr
Don's Johns	223.00	Contr		Reg of Deeds	22.00	Misc
Douglas Tire	729.46	Equip		Paper Tiger	35.00	Contr
Earl May	32.93	Seed		Payroll	112,129.53	Payroll
Edmisten, G	20.50	Mileage		Petty Cash	75.00	Misc
Emblem Ent	683.63	Unif		PGA of America	390.00	Dues
Emergency Learn	550.00	Misc		Pine Acres	1,519.00	Misc
Fastenal Co	192.67	Rep		Presto-X Co	75.00	Pest Control
Fire Protection Srv	11.25	Contr		Quality Remodel	16,000.00	Contr
Food Pride	194.89	Conc		Quill Corp	160.71	Supp
Giittinger, D	73.00	Mileage		Schemmer	11,537.70	ROW
Harding & Shultz	805.00	Contr		Schendel Pest	107.00	Pest Control
Haverty, P	188.00	Mileage		SEND D	2,467.11	Contr
Heartland Classify	58.21	Advert		Shell	2,702.97	Fuel
HireRight Solution	50.00	Contr		Sinclair Hille	8,675.00	ROW
Hopkins Auto	9.18	Rep		State Chem Mnfg	137.62	Supp
Ideal Pure Water	36.00	Contr		Sysco	167.23	Conc
In the Swim	352.85	Supp		Teten, J	50.64	Seed
Jebro	1,166.84	Rep		Tielke's Sandwich	43.74	Conc
JEO	1,600.00	ROW		Tree City Tees	53.98	Unif
Jerry's Landscapin	140.00	Contr		Tri-State Office	585.19	Supp
Jones Auto	578.00	Rep		Verizon Wireless	536.21	Tele
KNCY	259.57	Advert		Viox, A	356.50	Mileage
Konica Business	199.00	Contr		VISA	229.72	Misc
Landis Engine	187.10	Rep		Voice News	128.00	Advert
Lawton Printing	50.25	Supp		Wallen, M	32.94	Mileage
Lesco	515.28	Seed		Watkins	142.70	Rep
Linweld	72.45	Med		Wood Family Fuel	66.05	Fuel
Martin Marietta	1,399.37	Maint		Wurtele Dist	69.84	Conc
Mead Lumber	17.25	Rep				

Meeting adjourned at 7:15 p.m.

Arnold M. Ehlers, City Clerk