

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 1, 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 July 1, 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: Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jim Stark and Jeff Crunk. 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 June 17, 2013, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Council approved the Plumber's License application of MMC Mechanical Contractor's, Inc.

Mayor Hobbie proclaimed September 19, 2013 as "No Texting on Board – Pledge Day".

Mayor Hobbie opened the Public Hearing on the request to approve the Final Plat for the James Subdivision. Dan Giittinger explained that subdivision met all the requirements of City Codes and has been approved by the Planning Commission. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the application to NDED for an Owner-Occupied Housing Rehab Grant. Arnold Ehlers explained that Jen Olds provided the details of the program at a previous meeting and the program information was included in the meeting packets. No one else spoke in support or opposition to the grant application. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the LB840 grant application to extend sanitary sewer to the North Industrial Site. Stephanie Shrader addressed the Council and asked that this Public Hearing and the next concerning a loan to Heavy Metal Recycling, Inc be postponed until July 15, 2013. Moved by Commissioner Handy and seconded by Mercer to postpone the Public Hearings for the Sanitary Sewer Extension and the loan to "Heavy Metal Recycling, LLC. until July 15, 2013. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the final plat for the James Subdivision. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Resolution 2605-13 adopting Housing Rehabilitation Program Guidelines for the 2013 Citywide Housing Rehabilitation Program. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2605-13. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2605-13

SUBJECT: Adoption of **HOUSING REHABILITATION PROGRAM GUIDELINES** for the **2013 Citywide Housing Rehabilitation Program**, including a Program Income

Re-Use Plan and Minimum Standards under the Affordable Housing Program through the Nebraska Department of Economic Development.

WHEREAS: Nebraska City, Nebraska has been awarded 2013 Community Development Block Grant (CDBG) Housing Rehabilitation Category funds through the Nebraska Department of Economic Development (NDED), and,

WHEREAS: The 2013 CDBG Affordable Housing Program will provide for offering housing rehabilitation assistance to eligible homeowners within Nebraska City, and,

WHEREAS: Nebraska City will comply with statutory and administrative regulations associated with the Community Development Block Grant Program, administered by the Nebraska Department of Economic Development and will utilize CDBG funds for housing rehabilitation within the community in accordance with the 2013 Citywide Housing Rehabilitation Application and Program, and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEBRASKA CITY THAT: The City Council herewith adopts as its official Program Guidelines the materials appended and attached hereto. No other Housing Rehabilitation Program Guidelines shall stand or be in effect other than the **2013 Citywide Housing Rehabilitation Program Guidelines dated July 1, 2013.**

Passed and adopted this 1st day of July, 2013.

Jack Hobbie, Mayor

Katie Digmann asked the Council to allow the construction of a fence on City R-O-W for her 2 year old due to their property's rear yard having a steep drop off. Dan Giittinger explained that the house sat on a lot that had the Missouri River as a border and that there was no room for a play area for young children. Moved by Commissioner Handy and seconded by Mercer to have the City Attorney draft a temporary easement allowing a fence to be located no closer than six feet (6') from the back of the curb. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson outlined a proposed agreement with Allixa Consulting, Inc. They will audit telecommunications and cable providers to Nebraska City on a contingency fee basis to verify that they are paying occupation tax on the required services. Moved by Commissioner Handy and seconded by Mayor Hobbie to approve the contract with Allixa Consulting, Inc. and authorize the Mayor to sign. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2604-13 adopting the Section 504/ADA Transition Plan for the City of Nebraska City. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve Resolution 2604-13. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2604-13

CERTIFICATE OF ADOPTING ADA TRANSITION PLAN

The undersigned Representative of the City of Nebraska City of Nebraska City, Nebraska hereby certifies that the following transition plan was duly adopted by the City of Nebraska City, and that such plan has not been modified or rescinded as of the date hereof:

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

SECTION 504 – Rehabilitation Act of 1973
Americans with Disabilities Act of 1990
(See attached Plan)

RESOLVED, that the undersigned is hereby authorized to sign, on behalf of the City of Nebraska City.

Arnold M. Ehlers, City Clerk – Treasurer

July 1, 2013
Date

Nebraska City, Nebraska
Section 504 – Rehabilitation Act of 1973
Americans with Disabilities Act of 1990

POLICY STATEMENT

The City of Nebraska City will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of Nebraska City further ensures that every effort will be made to provide non- discrimination in all of its programs or activities regardless of the funding source.

For our purposes, a disabled person is defined as any person who

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such an impairment, or
- Is regarded as having such an impairment

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and “disability” for “handicap”.

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance”.

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”

28 CFR Part 35 (Judicial Administration) states that: “The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

49 CFR Part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

49 CFR Part 28-140 (Employment) states that, “(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department,” and “(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: “It is the policy of the Government of the United States...to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.”

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

ORGANIZATION

City Clerk – Treasurer
ADA Coordinator
1409 Central Avenue
Nebraska City, NE 68410
402-873-5515

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

The City Clerk – Treasurer will act as the ADA Coordinator. The duties of the City Clerk – Treasurer shall be:

- Monitor policies and practices to confirm that all requirements of Section 504 and Americans with Disabilities Act (employment or contractual activities of the City or any of its contractors or consultants) are being complied with, and if non-compliance is identified, policies changed to correct any such non-compliance.
- Process any complaints filed under Section 504/ADA.
- Coordinate with City Departments to enable Section 504/ADA compliance efforts
- Conduct annual reviews of Section 504/ADA programs as required for employees.
- Prepare reports of Section 504/ADA accomplishments and problem areas for the NDOR annual report to FHWA.
- Monitor preparation of Section 504/ADA information to the general public including the “Notice to the Public” and provide reasonable accommodation upon request.

- Identify, investigate and eliminate Section 504/ADA discrimination when found.

SECTION 504/ADA NOTICE TO PUBLIC

The City of Nebraska City does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The City also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 Compliance Coordinator:

Name and Title: Arnold M. Ehlers, City Clerk-Treasurer
 Phone Number (Voice/TDD): 402-873-5515 (No TTY)
 Office Address: 1409 Central Avenue
 Days/Hours Available: M-F 8:00 a.m. to 5:00 p.m.

SECTION 504/ADA SELF-EVALUATION

Previous Self – Evaluation completed September 2009. The City of Nebraska City Safety Committee is re-evaluating all City owned facilities in 2013-2014

SECTION 504/ADA TRANSITION PLAN

The Nebraska City Employees Safety Committee is re-surveying all City owned properties in 2013-14. When the City of Nebraska City does repair or replacement of streets and sidewalks ramps are included and installed as part of the projects. Dan Giittinger, Public Facilities Director is responsible for implantation of the transportation plan. The City of Nebraska City has issued a RFQ for a transportation consultant to further assist in making the City more ADA compliant. Replacement of the service counter in City Hall to be completed in 2013 is designed to accommodate wheel chairs.

COMPLAINT PROCEDURES

If any applicant or employee believes in good faith that they need a reasonable accommodation because of a disability, they must contact their department head and request an accommodation. If any department head receives what they believe may be a request for an accommodation, the department head should contact or refer the employee to the ADA Coordinator.

REASONABLE ACCOMMODATION PROCEDURES

Any complaints received by a department head shall be provided to the ADA Coordinator for review. If the ADA Coordinator feels that the request is reasonable, they shall advise the Mayor of such and direct the appropriate City staff to accommodate the request. If the request cannot be completed or will place a financial burden on the City, the ADA Coordinator shall advise the Mayor and City Council of such.

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City of Nebraska City, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City of Nebraska City further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CRF Part 35 and 42 USC 12101-12213.

Adopted this 1st day of July, 2013 at Nebraska City, Nebraska.

The Commissioners and Mayor of the City of Nebraska City, Nebraska.

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|-------------------------------------|----------------------------------|
| Public Works Commissioner Jim Stark | Parks Commissioner Jeff Crunk |
| Street Commissioner Dean Handy | Finance Commissioner Mark Mercer |
| | Mayor Jack Hobbie |

Prepared by : Arnold M. Ehlers
 Title: City Clerk - Treasurer

Susan Quinn presented a request to waive shelter rent for the Nebraska City Historical Society’s Pot Luck Supper on August 5, 2013. Moved by Commissioner Handy and seconded by Mayor Hobbie to waive the rent for the Nebraska City Historical Society on August 5, 2013. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie read Ordinance 2914-13 by title only. Moved by Commissioner Handy and seconded by Mercer to approve Ordinance 2914-13 on its first reading. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

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|-------------------|---------|----------|----------------------|---------|-----------|
| ACCO | Sup | 876.46 | Martin Marietta | Sup | 669.26 |
| Action Cont | Rep | 15000.00 | MD Aquatics | Pool | 1178.00 |
| Action Tech | Contr | 400.00 | Mead Lbr | Sup | 111.35 |
| Adkins, C | Rfnd | 25.00 | Medical and Safety | Sup | 72.45 |
| Amerine Build | Maint | 23655.00 | Messing, D | Rep | 92.65 |
| Arbor Mart | Fuel | 3930.47 | Midwest Farmers | Sup | 127.37 |
| AVAC | Misc | 317.92 | Midwest Service | Sup | 200.00 |
| Baird Holm | Contr | 3342.00 | Miller Monroe | Ins | 7.00 |
| Bohl Plbg | Rep | 940.17 | Mullenax | Sup | 36.98 |
| Bound Tree | Sup | 376.43 | Nationwide | Inv | 18518.71 |
| BSN Sports | Sup | 175.49 | NC Clerk - Treasurer | Misc | 22.54 |
| Concrete Ind | Sup | 1738.25 | NC Museum Assoc | Contr | 2451.25 |
| Creative Prod | Sup | 279.72 | NC Public School | Misc | 250.00 |
| Davis, W | Contr | 1050.00 | NC Rotary Club | Dues | 375.00 |
| Don's Johns | Sup | 356.00 | NCTC | Contr | 5416.67 |
| Double Eagle | Conc | 1058.50 | NE Golf Assoc | Dues | 1170.00 |
| Douglas Tire | Rep | 6053.33 | Medicaid | Rfnd | 17.80 |
| Eggers Brothers | Sup | 84.76 | Nuss, E | Rfnd | 25.00 |
| EMC | Ins | 582.75 | O'Reilly | Sup | 19.18 |
| Fareway | Conc | 113.82 | Omaha Tractor | Sup | 155.98 |
| Fastenal | Sup | 284.09 | Orscheln | Sup | 180.24 |
| Food Pride | Conc | 25.67 | County Clerk | Contr | 2996.95 |
| Gatehouse Media | Adv | 153.66 | Payroll | Payroll | 170783.56 |
| Hincapie, J | Rfnd | 25.00 | Pepsi-Cola | Conc | 279.00 |
| Hopkins | Sup | 85.25 | The Radar Shop | Rep | 195.00 |
| Industrial Sales | Sup | 1093.00 | Roto Snake | Rep | 118.75 |
| J & M Found | Const | 3806.09 | Shell | Fuel | 2760.44 |
| Jebro | Sup | 1056.09 | Southeast Plbg | Rep | 5800.00 |
| JEO | Eng | 7016.50 | Stanberry, W | Rfnd | 25.00 |
| Jerry's Landscape | Maint | 250.00 | Thurman's | Sup | 31.50 |
| Johnson, J | Mileage | 322.85 | Tielke's | Conc | 60.71 |
| K & Z Dist | Conc | 177.00 | Tom's Radio | Sup | 14.00 |
| Konica Minolta | Contr | 245.00 | Tree City Tees | Unif | 71.76 |
| Kreifels Elect | Rep | 805.00 | Tri-State Office | Sup | 124.81 |
| Landis | Equip | 815.17 | Tri-State Pumping | Rep | 555.00 |
| Larson Motors | Rep | 67.75 | Two Sisters Clg | Contr | 225.00 |
| LaRue Coffee | Sup | 154.31 | United Healthcare | Rfnd | 452.63 |
| Lawton Printing | Sup | 94.50 | Verizon | Tele | 476.89 |
| Lechner, G | Rfnd | 25.00 | Wage Works | Contr | 72.00 |
| Loveland Grass | Sup | 389.50 | Watkins | Sup | 170.18 |

Meeting adjourned at 6:30 p.m.

Arnold M. Ehlers, City Clerk - Treasurer