

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
July 2, 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 July 2, 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: Brett Gay, Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. 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 Gittinger.

Mayor Hobbie moved to approve the minutes of the June 18, 2012, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Handy, Gay, Mercer 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: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to approve the following appointments: Keith Morrison and Jason McNeely to the Planning Commission, Mark Mercer and Tyler Avery to the Economic Development Loan Fund Review Committee, and Carol Boyce to the Library Board. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed.

Mayor Hobbie opened the Public Hearing on the grant application by the City of Nebraska City to use EDRLF money to build a "spec" building. Stephanie Shrader, Executive Director of Nebraska City Area Economic Development Corporation addressed the Council on behalf of the NCAEDC Board recommending the grant of \$222,630.31 from the EDRL Fund to the City of Nebraska City for economic development by constructing a 'spec' building on the North Nebraska City Annex. Joe Johnson provided photos and an engineers' draft of possible design and location. No one else spoke in support or opposition to the grant. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on a request for a grant to help fund a public arts project for Nebraska City. Stephanie Shrader presented the recommendation by the Citizens Advisory Review Committee to approve the grant application for \$42,950.00 by Arbor City Committee and Nebraska City Public Schools Foundation for a Public Art Project. The project will allow students from all Nebraska City Schools as well as professional artists to submit mock-ups of a leaf with several placed around Nebraska City to be eventually auctioned off with part of the proceeds to repay a portion of the grant and a portion going to seed the arts program for the next cycle. Tom Farrell stated that he supported the grant approval. No one else spoke in support or opposition to the grant application. Moved by Commissioner Handy and seconded by Commissioner Gay to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided the monthly City Administrator's Report and activities memo. Mayor Hobbie asked that the reports be placed on file. Joe also informed the Council that Nebraska City now has a Facebook page.

Mayor Hobbie introduced Resolution 2567-12 approving a grant of \$222,630.31 to be used to construct a 'spec' building on the North Nebraska City Annex Property. Moved by Commissioner Handy and seconded by Mayor Hobbie to approve Resolution 2567-12. Upon roll call the following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2567-12**

**TO USE PROGRAM INCOME FROM A PREVIOUS COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, the **Nebraska City/Otoe County Regional Economic Development Loan Fund** has received Community Development Block Grants for Economic Development and,  
**WHEREAS**, Program Income (Reuse) funds for Economic Development are to be used for making loans to private businesses and grants in accordance with the Regional Economic Development Plan, program and governing regulations, and,  
**WHEREAS**, a Reuse Plan has previously been adopted, and,  
**WHEREAS**, the Application Review Board has recommended a reuse project presented through application by an eligible organization for a grant of \$222,630.31 and,  
**WHEREAS**, the City Council of Nebraska City has conducted a public hearing upon the proposed use of Program Income 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 Application Review Board and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the Regional Economic Development Loan Fund to complete the grant project for **“Nebraska City Housing and Community Development Agency.”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 2<sup>nd</sup> Day of July 2012 by the City Council of Nebraska City, Nebraska.

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Jack Hobbie, Mayor

ATTEST: \_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2568-12 approving a public arts grant to the Arbor City Committee and Nebraska City Public Schools Foundation. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2568-12. Upon roll call the following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2568-12**

**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 eligible entities for a grant of **\$42,900.00** 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 grant project for the **“Arbor City Committee”** and **“Nebraska City Public Schools Foundation,”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 2nd day of July, 2012 by the Mayor and Council of the City of Nebraska City, Nebraska.

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Jack Hobbie, Mayor

ATTEST: \_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treasurer

Moved by Commissioner Handy and seconded by Commissioner Gay to approve the request by Cliff Cooper representing River City Classics Car Club to close Central Avenue from 7<sup>th</sup> to 11<sup>th</sup> Street on September 16, 2012 for their annual car show. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Rose Ralstin of NCTC addressed the Council regarding activities for the 44<sup>th</sup> Annual Applejack Festival. Requests included street closings, use of tables and barricades, placement of way-finding signage. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the requests from NCTC for the 44<sup>th</sup> Annual Applejack Festival. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Patton, Operations Superintendent of Nebraska City Utilities presented three work orders for approval. These three work orders are for stand-by emergency generators and transfer switches

for key infrastructure. Work Order #344 is for the Wastewater Treatment Plant High Service Pumps #4 & #5, Work Order #486 is for Wastewater Treatment Facility Critical Equipment and Work Order #142 is for Power Plant #3. The total project cost is \$453,736.00 with the City's share being \$113,464.00. Moved by Commissioner Gay and seconded by Mercer to approve Work Orders #344, #486 and #142. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2569-12 approving Supplemental Agreement No. 1 for the Central Avenue Project. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2569-12. Upon roll call the following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2569-12  
SIGNING OF PROFESSIONAL SERVICES AGREEMENT – BK1058  
SUPPLEMENTAL AGREEMENT NO. 1

**Whereas:** The City of Nebraska City and Kirkham, Michael & Associates, Inc. have previously executed a Construction Engineering Services Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

**Whereas:** The City of Nebraska City understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-Aid project; and

**Whereas:** The City of Nebraska City and Kirkham, Michael & Associates, Inc. wish to enter into Supplemental Construction Engineering Services Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities 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 supplemental Construction Engineering Services Agreement, Supplement No. 1 between the City of Nebraska City, Nebraska and Kirkham, Michael Associates, Inc.

NDOR Project Number: URB-6210(3)

NDOR Control Number: 12921

NDOR Project Description: Central Avenue, 11<sup>th</sup> – 6<sup>th</sup> Street

Adopted this 2<sup>nd</sup> day of July, 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 1 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted.

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treasurer

Dan Giittinger addressed the Council with complaints that individuals were parking on grass areas in City parks with potential damage to grass and newly planted trees. It was agreed that there are times when there is not enough parking in the parks, but police have no laws to ask people parking on grass to move vehicles. After a lengthy discussion the Council asked staff to prepare paperwork either placing signage in the parks informing people not to park on grass or an ordinance making parking on grass an offense.

Mayor Hobbie opened the agenda item on the request by the Nebraska Department of Economic Development to send all CDBG Program Income Funds in the Nebraska City Economic Development Revolving Loan Fund to DED or face on-site monitoring. Stephanie Shrader stated that this is apparently a very fluid situation with things changing almost daily with this issue. Moved by Commissioner Mercer and seconded by Commissioner Handy to request a 60 day extension from the Department of Economic Development to better understand the issues concerning the request for the funds by DED. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced agenda item #18 to transfer City owned building located at 405 Central Avenue to the CDA for possible sale, renovation or demolition. Joe Johnson stated that by using this strategy the City will have control of the property by leasing the building to a buyer on the condition that title will not pass until the buyer makes the necessary repairs to the building. Moved by Commissioner Handy and seconded by Mercer to approve the transfer of 405 Central Avenue to Nebraska City Housing and Community Development in the amount of \$10.00 and

other valuable consideration and authorize the Mayor to sign all documents necessary. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

ACCO	887.30	Chem	Mead Lumber	300.35	Supp
Action Tech Svcs	400.00	Contr	Mellage Truck	1049.56	Rep
AFLAC	72.00	Ins	Midwest Concrete	3300.00	Maint
Alamar Uniforms	22.90	Unif	Farmers Coop	52.52	Chem
Arbor Mart, Inc	2906.63	Fuel	Midwest Machine	233.57	Rep
AVAC	166.34	Contr	Midwest Turf	254.46	Rep
Barrett Const.	750.07	Contr	Milacek Monument	1123.50	Rep
Baur, G	25.00	Rfnd	Mullenax	83.79	Supp
Benefiel Truck Repair	4245.81	Rep	Nationwide	9531.09	Inv
Blankenship, B	100.00	Dues	NC Clerk - Treasurer	114.48	Supp
Boettcher, M	25.00	Rfnd	NC Museum Assoc	2406.25	Contr
Bound Tree	603.32	Med	MCTC	5416.67	Contr
Brown Glass Co	92.00	Rep	Nebraska Life	275.00	Advert
Callaway Golf	56.35	Supp	Nebraska Golf	252.00	Dues
Century Lumber	16.84	Rep	O'Reilly Auto Parts	9.26	Supp
Cintas Corp	68.30	Supp	Orscheln	308.22	Supp
Citizen Printing	451.50	Advert	Otoe County Clerk	2528.77	Contr
Concrete Ind, Inc.	2657.41	Maint	Otoe County Court	123.00	Misc
Cullin, J	300.00	Rfnd	Payroll	165069.45	Payroll
D & D Comm	282.50	Labor	R & R Products Co.	95.07	Supp
Danko Emer Equip	57.97	Rep	The Radar Shop	234.00	Rep
Disaster Mgmt.	394.11	Med	Sanchez, J	25.00	Rfnd
Douglas Tire Co.	469.17	Rep	Shell	2432.89	Fuel
Ed M. Feld Equipment Co.	1500.00	Rep	Snapdragon Floral	45.00	Misc
EMC Natl Life Co	635.25	Ins	Tielke's Sandwiches	22.35	Conc
Essary, M	25.00	Rfnd	Tim Engel Const	25.00	Rfnd
Fareway Stores, Inc.	68.68	Conc	Tree City Tees	293.82	Unif
Fire Protection Svc	40.75	Rep	Tri-State Office	163.46	Supp
Food Pride	64.63	Conc	Two Sisters Clng	225.00	Contr
Galls	79.88	Unif	Vodicka, T	100.00	Rfnd
Gatehouse Media	221.84	Advert	Van Wall Turf	6.00	Supp
Hemmer Garage	364.04	Rep	Verizon Wireless	405.09	Tele
Hopkins Automotive	6.49	Supp	Diamond Vogel	1207.90	Supp
Jerry's Landscaping	380.00	Contr	Watkins True Value	156.55	Supp
K&Z Distributing	342.30	Conc	Witmer Public Safety	315.47	Unif
Konica Minolta	245.00	Contr	Wurtele Distributing	1008.86	Conc
Landis Engine Co.	416.67	Rep	Zimco Supply Co.	1155.70	Chem
LaRue Coffee	317.20	Supp			
Martin Marietta	650.99	Supp			
Matheson Tri-Gas, Inc.	43.15	Med			

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