

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 6, 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 July 6, 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, Mark Mercer and Mayor Jack Hobbie. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Mercer moved to approve the minutes of the June 21, 2010, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to approve the minutes of the June 29, 2010, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: 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.

Commissioner Handy moved to approve the Electrician's Permit for D & J Electric. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the proposed changes in the Nebraska City sign regulations. Pat Haverty outlined the many proposed changes to the Council. No one else spoke in support or opposition to the proposed changes. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the rezone request by Mead Lumber that all their lots be classified as C-2. Dan Güttinger informed the Council that this was an oversight during the last rezone of Nebraska City as the same entity owned all the lots in the request but that some were zoned R-2 while others were zoned C-2. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public hearing on the proposed Nebraska City Utilities Budget for fiscal year 2010-2011. Jeff Kohrs explained the reasoning behind the increases in each department. Jeff also explained how the administrative costs were allocated to each department at the end of the fiscal year. Jeff then gave a brief summary of possible capital improvements for the upcoming fiscal year. Bill Moore spoke in support of Nebraska City Utilities applauding the service provided. No one else spoke in support or opposition to the proposed budget. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty reported that there will be a Public Meeting on July 8th, 6:00 p.m. at the Rowe Memorial Public Safety Complex to update citizens on the Central Avenue Mill and Overlay Project. He tentatively scheduled the annual budget workshop for July 29th, 2:00 to 5:00 p.m. Memorial Building renovation cost estimates will be available at the next Council Meeting. The City of Nebraska City is applying for another CDBG housing rehab grant as the previous grant was fulfilled early, showing a need. Rodney Turpel Rescue Department Chief announced that the EMT Team placed second in an international skills competition. Mayor Hobbie asked that the reports be placed on file.

Commissioner Handy moved to direct the City Attorney to draft an ordinance adopting the proposed changes to the sign ordinance. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Gay moved to accept the Nebraska City Utilities Budget for fiscal year 2010-2011. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Leroy Frana, General Manager, Nebraska City Utilities explained the recommendation of the Board of Public Works to approve Work Order #316 extending the drain line from the filter backwash discharge to the Missouri River. Commissioner Gay moved to approve Work Order #316 in the amount of \$106,242.00. Upon roll the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance 2805-10 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 R-2 RESIDENTIAL TO C-2 COMMERCIAL; 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 Mercer seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Handy, Mercer 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. 2805-10 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer 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 Deputy Clerk attested the passage and approval of the same and affixed her signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2805-10

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 R-2 RESIDENTIAL TO C-2 COMMERCIAL; 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 Mead Lumber, 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 R-2 Residential to C-2 Commercial, insofar as the same relates to the property legally described as:

W. 107.5' Lot 4 and all Lots 5-8; Block 89; Nebraska City Proper, Nebraska City, Otoe County, 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 6th day of July, 2010.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Pat Haverty presented the Bid Tabulations for the Livingston Property Project and recommended that the Council award the contract to F & B Constructors in the amount of \$239,000.00. Mayor Hobbie moved to award a contract to F & B Constructors in the amount of \$239,000.00 after the adds and deducts. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

Pat Haverty explained the reason the recipient made the request to withdraw from the home rehabilitation grant awarded earlier. Commissioner Handy moved to approve the request to withdraw from the program. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Alan Viox, Building Inspector showed the Council photos depicting the condition of the buildings and property located at 514 6th Corso and asked the Council for a formal determination that the buildings are unsafe and direct the Building Inspector to notify the property owner of the intent to clean up the property and assess the costs to the owner. Commissioner Handy moved to make the formal determination that the buildings located at 514 6th Corso and have the Building Inspector notify the owner. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

1st Class Flowers	10.00	Misc	Momar	139.44	Supp
ACCO	53.08	Supp	Morris Publishing	1,542.17	Contr
Action Tech	469.00	Sftwre	Mullenax Auto	502.99	Rep
Alco	11.75	Supp	Murry, B	72.22	Mileage
Allied Refuse	405.75	Garbage	Nationwide	10,038.82	Ins
Arbor Mart	3,131.72	Fuel	NC Antique Mall	385.00	Supp
AVAC	522.50	Contr	NC Newspress	142.50	Advert
Bath & Hair	11,000.00	Loan	NCAEDC	6,250.00	Contr
Beelner Serv	352.50	Maint	NCTC	5,312.50	Contr
Callaway	144.34	Msde	NE Comm Found	2,291.67	Contr
Cintas	55.00	Contr	NE Law Enforc	560.00	Trning
Creighton Univ	63.00	Med	NE Life Magazine	245.00	Advert
Danko Equip	91.28	Supp	Olsson Associates	841.40	ROW
Earl May	176.93	Chem	Omaha Tractor	603.56	Equip
EMS Billing	6,803.19	Contr	O'Reilly Auto	123.99	Rep
Fire Protection	35.00	Maint	Orscheln	147.63	Rep
Fireguard	106.15	Equip	Otoe Co Clerk	1,148.00	Contr
Food Pride	289.64	Supp	Reg of Deeds	11.00	Contr
Giittinger, D	87.00	Mileage	Payroll	97,686.43	Payroll
Glock Proffesional	150.00	Trning	Pepsi-Cola	474.80	Conc
Heartland Class	160.86	Advert	Petty Cash	33.10	Postage
Hopkins Auto	13.89	Rep	Pine Acres Nursery	225.00	Misc
Jebro	1,917.45	Maint	Schendel Pest	22.00	Pest
Jerry's Landscape	200.00	Contr	Schneider Electric	1,285.50	Rep
Konica Business	178.27	Contr	St. Mary's Hosp	259.98	Med
Konica Premier	245.00	Contr	Tielke's	53.82	Conc
Kreifels Electric	63.50	Rep	Tom's Radio	439.00	Rep
Landis Engine	99.24	Equip	Trade Well Pallet	850.00	Maint
Larson Motors	498.58	Rep	Tri-State Office	314.85	Supp
LaRue Coffee	348.33	Supp	Two Sisters Clean	275.00	Contr
Lesco	496.00	Seed	UNL-Plant Science	40.00	Dues
Linweld	15.95	Med	Utt's Golf Carts	32.30	Rep
Loveland Lawns	72.85	Seed	Verizon Wireless	731.09	Tele
MD Aquatics	1,168.00	Contr	Viox, A	352.00	Mileage
Mellage Truck	4,251.21	Rep	Watkins	109.67	Rep
Midwest Co-op	380.05	Rep	Wenzl Hardware	12.27	Rep
Midwest Machine	108.49	Rep	Wurtele, J	45.00	Rec
Midwest Service	436.56	Supp	Zimco Supply	735.00	Seed
Midwest Turf	118.61	Rep			

Meeting adjourned at 7:27 p.m.

Arnold M. Ehlers, City Clerk