

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 7, 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 July 7, 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, 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 David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Handy moved to approve the minutes of the June 16, 2014, City Council Regular Meeting, seconded by Crunk. Upon roll call the following voted YES: Mercer, Stark, Crunk, 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: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

ACCO	Chem	1213.63	Landis	Sup	117.48
Action Tech	Contr	435.99	Larson Motors	Rep	2184.41
Adkins Signs	Sup	207.00	Legg, B	Rfnd	25.00
Allied Ins	Ins	100.00	Linnebur, K	Rfnd	25.00
Allied Recycling	Garbage	337.34	Lynn Peavey Co	Sup	54.70
Angus, C	Unif	90.00	Martin Marietta	Sup	2787.06
Arbor Mart, Inc	Fuel	5651.43	Matheson	Sup	251.77
AVAC	Misc	725.61	Maybee, D	Rfnd	25.00
Arborlinks	Rep	950.00	Mead Lbr	Sup	4.76
Barrett Const	Maint	1400.00	Microfilm Imaging	Contr	80.00
Bartman, J	Rfnd	100.00	Midwest Farmers	Chem	157.08
Bennett, R	Contr	605.70	Midwest Turf	Rep	40.00
Berry	Adv	22.60	Mullenax	Sup	18.06
Bill Walters	Rep	960.78	Nationwide	Inv	77806.97
Boehm Welding	Rep	20.00	NC Clerk - Treas	Misc	194.05
Bohl Plbg	Rep	96.38	NC Museum	Contr	2406.25
Bound Tree	Sup	68.00	NC Fire Museum	Misc	300.00
Brown Glass	Rep	381.52	NC Public School	Misc	160.00
Brown's Shoe	Unif	127.50	NCTC	Contr	6250.00
BSN Sports	Sup	53.98	NC Utilities	Ins	66.14
Burnison, A	LB840	400.00	NE Golf & Turf	Equip	342.00
Callaway Golf	Mdse	523.88	NE Life Magazine	Adv	300.00
CEDE & Co	Bond	84373.92	O'Reilly	Sup	29.43
Century Lbr	Sup	20.76	Odey's	Sup	119.75
Coca-Cola	Bev	423.58	Omaha Tractor	Sup	152.33
Concrete Ind	Sup	24.30	Orscheln	Sup	76.72
Creative Prod	Sup	147.99	Otoe Co Clerk	Contr	2393.50
D & K Prod	Chem	4316.00	Otoe Co Treasurer	Contr	599.80
Double Eagle	Bev	268.60	Paper Tiger		35.00
Douglas Tire	Rep	62.00	Payroll	Payroll	110289.46
Ed Roehr Safety	Sup	184.95	Premier-Midwest	Bev	34.00
EMC National	Ins	597.60	Right Choice Ptg	Contr	14400.00

Fareway	Conc	168.32	Schneider Elec	Rep	546.94
Ferguson, D	Rfnd	25.00	Schneider, R	Rfnd	25.00
Fire Protection	Maint	53.50	SEI	Contr	150.00
Fireguard	Rep	93.93	Shelter Home Svc	Rfnd	200.00
Fitzsimmons, D	Rfnd	50.00	Sirchie Finger Print	Sup	50.59
Gatehouse	Adv	111.35	St. Mary's	Sup	94.82
Giittinger, D	Mileage	114.13	Stratus	Contr	2087.99
Grimm's Gardens	Tree	1913.73	Strong, M	Dance	416.67
Harding & Shultz	Misc	54.32	Stutheit	Sup	1.67
Harris, S	LB840	300.00	Tablecreek	Equip	96.00
HireRight	Med	52.80	Tielke's	Conc	91.83
Hopkins Auto	Sup	222.58	Top Quality Glove	Sup	163.50
J. Park, LLC	Rent	900.00	Tri-State Office	Sup	769.20
Jebro Inc.	Sup	1022.39	Tri-State Rentals	Sup	77.76
Jensen, E	Dance	330.00	Turf Supply Co	Chem	8582.00
Jerry's Landscaping	Maint	350.00	Two Sisters Clng	Contr	175.00
Jones & Bartlett	Sup	60.24	UHC	Ins	4285.22
Jordan, M	Dance	330.00	Verizon	Tele	375.04
K & Z Dist	Bev	75.60	Warner, J	Rfnd	200.00
Konica Minolta	Contr	176.17	Watkins	Sup	86.28
Konica Minolta	Contr	245.00	Wredt, P	Rfnd	75.00
Kustom Signals	Rep	386.00			

Mayor Hobbie opened the Public Hearing on the final application for CDBG funds for a Citywide Housing Rehabilitation Program grant in the amount of \$310,000.00. Joe Johnson explained this is the last step in qualifying for the \$310,000.00. No one else spoke in support or opposition to the application. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the request for approval of the final plat known as Davie Subdivision. Dan Giittinger explained that the Davies want to divide one parcel into three parcels with the current house being on a two acre lot and two new lots one 7.11 acres and the other 5.77 acres. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Stark to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2637-14 approving the final application for Citywide Housing Rehabilitation Program funds. Moved by Commissioner Handy and seconded by Stark to approve Resolution 2637-14. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

**RESOLUTION 2637-14
AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN
AN APPLICATION FOR NEBRASKA AFFORDABLE
HOUSING PROGRAM FUNDS**

Whereas, the **City of Nebraska City, Nebraska**, is an eligible unit of a general government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant (CDBG) Program, and, Cranston Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program (NAHP).

Whereas, the City of Nebraska City, Nebraska has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$310,000 in NAHP funds to implement an "Owner-occupied Housing Rehabilitation Program" within the City; and,

NOW, THEREFORE, BE IT RESOLVED BY

the City Council of Nebraska City, Nebraska that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Nebraska City, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed: _____
Jack Hobbie, Mayor
Nebraska City, Nebraska

Mayor Hobbie introduced Resolution 2638-14 adopting guidelines for the 2014 Citywide Housing Rehabilitation Program. Moved by Commissioner Handy and seconded by Stark to approve Resolution 2638-14. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

RESOLUTION 2638-17

SUBJECT: Adoption of HOUSING REHABILITATION PROGRAM GUIDELINES for the 2014 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 applied for a 2014 Community Development Block Grant (CDBG) Housing Rehabilitation Category funds through the Nebraska Department of Economic Development (NDED), and,
WHEREAS: The 2014 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 2014 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 2014 Citywide Housing Rehabilitation Program Guidelines dated July 7, 2014.

Passed and adopted this 7th day of July 2014

Jack Hobbie, Mayor

Moved by Stark and seconded by Commissioner Handy to approve the final plat known as Davie Subdivision. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Joe Johnson presented the agreement with SENDD for the Nuckolls Park improvement grant. Moved by Stark and seconded by Commissioner Handy to approve the agreement between the City of Nebraska City and SENDD for the CIS Grant for Nuckolls Park improvements. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Arnold Ehlers explained the request from Windstream Communications, Nebraska to replace a section of buried cable from 8th to 10th Street. Moved by Stark and seconded by Crunk to approve the request to bury cable from 8th to 10th Street. Upon roll call the following voted YES: Mercer, Handy, Crunk, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

David Partsch explained the agreement with the Lincoln/Lancaster County Child Advocacy Center, Inc. and the benefits to Nebraska City and southeast Nebraska communities to have a satellite office located in Nebraska City. Moved by Stark and seconded by Commissioner Handy to approve the agreement with Lincoln/Lancaster County Child Advocacy Center, Inc. and the Nebraska City Police Department. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Arnold Ehlers informed the Council that the special assessments for mowing and clean-up have been paid and asked the Council to release the lien on 608 4th Corso. Moved by Commissioner Handy and seconded by Mercer to release the lien on 608 4th Corso and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance No. 2944-14 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 DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT; 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: Crunk, 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. 2944-14 be passed and adopted?" Upon roll call the following voted YES: Crunk, 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. 2944-14

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 DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT; 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 Joy Johnson, 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 District to I-1 Light Industrial District, insofar as the same relates to the property commonly known as 319 6th Avenue and legally described as follows:

Lots 4, 5 and 6, Block 100, Greggspport Addition to the City of Nebraska City, Otoe County, Nebraska.

SECTION 2. That the City Clerk-Treasurer 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 and placing thereon: "On July 7, 2014, by official action of the City Council, the following change was made in the official zoning map . . ." - which entry shall be signed by the Mayor and attested by the signature of the City Clerk-Treasurer.

SECTION 3. That 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 7th day of July, 2014.

Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2636-14 appointing the City Administrator as Nebraska City's member on the Board of Director's for Nebraska Community Energy Alliance. Moved by Commissioner Handy and seconded by Crunk to approve Resolution 2636-14 appointing the City Administrator to the Board of Director's of Nebraska Community Energy Alliance. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

Resolution 2636-14

WHEREAS, the City of Nebraska City, Nebraska, desires to enter into an agreement to create the Nebraska Community Energy Alliance and to become a member thereof, for the purpose of identifying, applying for, administering or otherwise making available grants and funding sources to members thereof;

WHEREAS, on June 16, 2014, the City Council voted to approve a motion to approve the Nebraska Community Energy Alliance Interlocal Cooperation Agreement (Amended and Restated as of June 2014) and authorized the Mayor to execute said Agreement on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That the City of Nebraska City hereby appoints the City Administrator to serve as a director on the initial board of directors for the Nebraska Community Energy Alliance.

SECTION 2. That the City of Nebraska City hereby designates the City Administrator to serve as its initial voting delegate to represent the City at the annual membership meeting of the Nebraska Community Energy Alliance.

Passed and approved this 7th day of July, 2014.

CITY COUNCIL, CITY OF NEBRASKA

CITY, NEBRASKA

Jack Hobbie, Mayor

David Partsch updated the Council with information gathered by him and the City Clerk regarding ownership of river bottom ground north of the North Well Field. At their meeting on June 25, 2014 the Dock Board as the managing entity of Nebraska City’s riverfront properties recommended that Nebraska City Quit Claim Deed a portion of Lots 5 & 8 (known as Tract 1) to Ramold’s in exchange for Ramold’s Quit Claim Deeding Lots 5 & 6 not included in Tract 1 and paying \$850.00 for a portion of Lot 8 in Sec. 32-9-14 to Nebraska City thereby identifying exact boundaries of that river bottom ground. Moved by Commissioner Handy and seconded by Stark to approve the exchange of Quit Claim Deeds and \$850.00 to settle ownership of property in Section 32-T9N-R14E. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting nO: None. Motion carried.

David Partsch explained to the Council that when the City sold a portion of vacated 17th Street in 2006 an incorrect legal description was used on the deed. The property is now being sold and the legal description needs to be corrected at the Register of Deed’s Office. Moved by Commissioner Handy and seconded by Stark to authorize the Mayor to sign a corrective deed on a vacated portion of N. 17th Street for the Stoll family.. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting No: None. Motion carried.

Arnold Ehlers explained the charts given to the members showing significant savings by purchasing rather than leasing copier/printers for City offices. The projected savings over the ten year life on the copier/printers would be approximately \$31,288.00. Moved by Commissioner Handy and seconded by Mercer to purchase the copier/printers rather than lease them. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting No: None. Motion carried.

Joe Johnson presented a balanced budget to the City Council for the 2014-2015 Fiscal Year. Mr. Johnson informed the Council that he reviewed the department budget requests submitted to the Council on April 23, 2014 and considered all capital improvement requests when developing his balanced budget. Mr. Johnson informed the Council that personnel expenditures are the single largest expense for Nebraska City. By keeping revenues at the same level as 2013-2014 budget all capital improvements were eliminated to present a balanced budget. Mr. Johnson added that there are increased revenue opportunities available to them. Mr. Johnson stated that the budget is now in the council’s hands. Mr. Johnson ended his presentation by telling the members of the Council that the City Administrator and all city staff are available to help them in any way.

Meeting adjourned at 7:12 p.m.

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.

Arnold M. Ehlers, City Clerk-Treasurer