

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 20, 2011

Pursuant to due call and notice thereof, the July 18, 2011 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 20, 2011. Postponement due to lack of quorum. 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Brett Gay. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Captain Lonnie Neeman, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Mercer moved to approve the minutes of the July 5, 2011, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted AYE: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims except Claim #7250G, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Commissioner Crunk to approve Claim # 7250G. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Cleon Popelka to the Dock Board for a three year term. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing for a grant application for an owner occupied housing rehabilitation funds. Dave Taladay from SENDD outlined the need for the application for a Citywide Housing Rehabilitation Grant to the Council adding that the Housing Study completed in 2006 identified "Neighborhood Rehabilitation" as a priority. No one else spoke in support or opposition to the grant application. Moved by Commissioner Handy and seconded by Commissioner Mercer to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing for the presentation of Nebraska City Utilities fiscal year 2011-2012 budget. Jeff Kohrs provided documents and highlighted differences from previous years budgets. No one else spoke in support or opposition to the proposed budget. Moved by Commissioner Mercer and seconded by Commissioner Crunk to close the Public Hearing. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

REPORTS:

Joe Johnson presented a list of activities he tended to since his start date. Those activities included meeting with NDOR officials concerning payment for past projects and financing for future projects. He updated the Council on the 11th Street Widening Project, the 2nd Street Gap Paving Project, 4th Corso Mill & Overlay, 4th Corso Viaduct Project, Steinhart Park Trail, meeting with Senator Nelson and Representative Fortenbary, conducting budget meetings with department heads and a tour of potential industrial development sites with staff from Nebraska Department of Economic Development and Stephanie Shrader.

The Treasurer reported a beginning balance on hand June 1, 2011 of \$2,261,375.38; revenues of \$653,439.52, expenses of \$548,949.38 leaving an ending balance as of June 30, 2011 of \$2,365,865.52.

Stephanie Shrader, Executive Director of Nebraska City Area Economic Development presented the organizations quarterly report and explained some of the activities of the economic

development group. She stated that there are still funds available for Downtown Revitalization Projects. Ms. Shrader added that the new City website has been a good investment allowing prospective businesses an opportunity to “look” at Nebraska City prior to coming to town. Finally there were 26 participants in the business start up workshop sponsored by NCAEDC. Mayor Hobbie asked that all written reports be placed on file.

Mayor Hobbie introduced Resolution 2531-11 authorizing the Mayor to sign all documents necessary for a grant application in the amount of \$250,000.00 for Citywide Housing Rehabilitation Program Funds. Moved by Commissioner Handy and seconded by Commissioner Crunk to approve Resolution 2531-11 authorizing the Mayor to sign all documents necessary for the allocation for \$250,000.00 in Citywide Housing Rehabilitation Program Grant Funds. Upon roll call the following YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2531-11

**AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN
AN APPLICATION FOR CDBG 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 citizen’s 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 \$250,000.00 in 2011 NAHP funds to implement an “Owner-occupied Housing Rehabilitation Program” within the City; and,

NOW, THEREFORE, BE IT RESOLVED BY,

the City Council of the City 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 and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed: _____

Jack Hobbie, Mayor
Nebraska City, Nebraska

Date: July 18, 2011

Mayor Hobbie introduced Resolution 2532-11 adopting Housing Rehabilitation Program Guidelines for the 2011 Citywide Housing Rehabilitation Program Grant. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve Resolution 2532-11. Upon roll call the flowing voted YES: Crunk, 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 NO. 2532-11

SUBJECT: Adoption of **HOUSING REHABILITATION PROGRAM GUIDELINES** for the **2011 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 is applying for 2011 Community Development Block Grant (CDBG) Housing Rehabilitation Category funds through the Nebraska Department of Economic Development (NDED), and,

WHEREAS: The 2011 CDBG Affordable Housing Program provides 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 2011 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 **2011 Citywide Housing Rehabilitation Program Guidelines.**

Passed and adopted this 18th day of July, 2011.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlert, City Clerk - Treasurer

Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the 2011-2012 Fiscal Year Budget for Nebraska City Utilities. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Dan Giittinger presented the results of the 2nd Street Gap Paving Project bid opening and JEO's opinion that the low bidder was qualified to do the project and recommended that the Council award the contract to the low bidder, Kreifels Conservation and Excavating in the amount of \$80,004.50. Moved by Commissioner Mercer and seconded by Commissioner Handy to award the contract for the 2nd Street Gap Paving Project to Kreifels Conservation and Excavating in the amount of \$80,004.50. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger explained the request by Lourdes Central Catholic Schools to use City Right-of-Way for a private Storm Sewer along the east side of 5th Street from 2nd Avenue to 3rd Avenue which would then drain into a retention pond capable of holding a 50 year rain event. Commissioner Handy moved and Commissioner Mercer seconded approving the request by Lourdes Central Catholic Schools to use City Right-of-Way along the east side of 5th Street from 2nd Avenue to 3rd Avenue for a private Storm Sewer. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

City Clerk Arnold Ehlers presented the request by Nebraska City Community Foundation to host the 3rd Annual ALCOHOL FREE "Celebrate Nebraska City Street Dance" on August 20th from 7:00 to 11 p.m. and the use of barricades to block Central Avenue from 9th to 11th Street and 10th Street north and south to the alleys. Moved by Commissioner Mercer and seconded by Commissioner Crunk to approve the request to close Central Avenue from 4:00 p.m. to 1:00 am. for the 3rd Annual "Celebrate Nebraska City Street Dance" on August 20th and provide barricades and picnic tables. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2852-11 entitled: AN ORDINANCE TO VACATE A PORTION OF 10TH CORSO WEST OF SECOND STREET IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, WHICH IS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AND TO DECLARE 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: 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. 2852-11 be passed and adopted?" Upon roll call the following voted YES: Handy, Crunk, 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 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. 2852-11

AN ORDINANCE TO VACATE A PORTION OF 10TH CORSO WEST OF SECOND STREET IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, WHICH IS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, Mr. Fran Biskup, as one of the owners of adjacent property has requested that a portion of 10th Corso, West of Second Street in Nebraska City, Otoe County, Nebraska, as described in Section 1 hereof, be vacated, and that AVM Real Estate Investments, LLC and Francis V. Biskup be permitted to exchange their interests in a seven foot wide easement and a 10 foot wide temporary easement adjacent to South 2nd Street in Nebraska City, for the City's interest in the vacated portion of 10th Corso, as hereinafter described; and

WHEREAS, because of the location of said property, the Mayor and City Commissioners of Nebraska City find and determine the City no longer has a need for that portion of 10th Corso as described in Section 1 hereof, and approve the application to vacate.

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

SECTION 1. Commencing at a point on the North line of Lot 3, Block 68, Kearney Addition to Nebraska City ten feet West of the Northeast corner of said Lot 3; said point being on the West right of way

line of 2nd Street; thence N88°23'50"W (assumed bearing) on the North line of said Block 68, a distance of 111.67 Feet; thence N02°39'56"W a distance of 25.00 Feet; thence N88°23'50"E to a point on the West right of way line of 2nd Street, thence Southeasterly along said right of way to the point of beginning; containing 0.04 acres, more or less, be and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 2 This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 18th day of July, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Dan Giittinger explained the need for and the consequences of not signing the Federal Funds Purchase Program Agreement with the Nebraska Department Of Roads. Moved by Commissioner Mercer and seconded by Commissioner Handy to authorize the Mayor to sign all documents for the Federal Funds Purchase Program Agreement. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger informed the Council that there is a party interested in purchasing the lot at 110 N. 6th Street site of the Old City Hall-Firehouse. City Attorney Davis recommended a competitive bidding process similar to previous City owned land sales. Commissioner Mercer moved to initiate the bidding process for the property located at 110 N. 6th Street, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Adkins Signs	329.00	Supp	MES	1,836.60	Med
ADT Security	128.12	Contr	Microfilm Img	80.00	Contr
Animal Hospital	181.50	Contr	Midwest Coop	1,459.04	Rep
Arbor Mart	4,329.44	Fuel	Miller Monroe	319.00	Ins
Arbor Outdoor	5.02	Rep	Missoula Theatre	2,400.00	Contr
Associated Fire	5,980.00	Contr	Mullenax Auto	251.31	Rep
Bennett, R	217.79	Contr	Nationwide	10,222.95	Inv
Bishop Plumbing	60.00	Rep	NC Newspress	159.30	Advert
Bob's Welding	95.00	Maint	NC Utilities	12,992.90	Util
Bohl Plumbing	526.84	Rep	NE Dept Rev	2,919.81	Sales Tax
Bound Tree	757.56	Med	NE Dept Roads	3,035.03	ROW
Brown Glass	271.00	Rep	NE Golf & Turf	852.82	Equip
Callaway	202.12	Msde	NE Public Health	168.00	Med
Casey's	208.02	Fuel	NE Turf Prod	291.75	Chem
Cintas	60.32	Contr	New Pig Corp	173.09	Supp
D&D Comm	198.00	Rep	O'Reilly Auto	113.00	Rep
Danko Emerg	427.68	Rep	Orscheln	445.61	Supp
Don's Johns	150.00	Contr	Otoe Co Clerk	2,742.24	Contr
Emergency Repair	276.25	Rep	Parkyn, C	25.00	Misc
EMS Billing	7,819.92	Contr	Payroll	98,402.79	Payroll
Farrell, T	25.00	Misc	Pepsi-Cola	175.95	Conc
Fireguard	1,696.02	Rep	Presto-X	75.00	Pest Cont
Food Pride	77.84	Conc	Purchase Power	400.00	Postage
Galeton Gloves	219.10	Supp	Recker, S	25.00	Misc
Giittinger, D	71.40	Mileage	Roofers, Inc.	16,000.00	Contr
Harding & Shultz	90.00	Litigation	Schneider Elec	4,845.00	Rep
HireRight	50.00	Med	Shell	3,110.28	Fuel
Hopkins Auto	7.20	Rep	St. Mary's Hosp	62.00	Med
ICC	426.00	Supp	Steve Walters	5,200.00	Contr
Ideal Pure Water	160.09	Supp	Thurmans	88.00	Unif
Isaacs, E	25.00	Misc	Tielke's Sandwich	26.94	Conc
J.P. Cooke	41.17	Supp	Towns & Assoc	350.00	Advert
Jebro	1,029.88	Maint	Tree City Tees	53.00	Unif
Johnson, J	495.01	Misc	Two Sisters	275.00	Contr
Keim Farm Equip	244.05	Rep	Van Wall Equip	60.11	Rep
Kelly, D	2,694.11	CDBG	VISA	356.94	Ammo
Konica Business	132.37	Contr	Watkins True Value	295.08	Rep
Landis Engine	13.13	Rep	Wildwood Artists	893.24	Artists
Larson Motors	323.84	Equip	Windstream	2,312.09	Tele

Linweld	11.70	Med		Winn, Inc.	85.11	Msde
Martin Mareitta	717.45	Maint		Wood Family Fuel	14.63	Fuel
Mead Lumber	187.14	Maint		Wurtele Dist	80.52	Conc
Med Safety	115.00	Med		Zimco Supply	851.00	Chem
Mercer's	420.23	Supp				

Meeting adjourned at 6:58 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