

CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 July 21, 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 21, 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 Güttinger.

Commissioner Handy moved to approve the minutes of the July 7, 2014, City Council Regular Meeting, seconded by Stark. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

ACCO	Chem	1212.51	Mead Lbr	Sup	302.41
Anderson, A	Rfnd	25.00	Mercer's	Sup	212.21
Arbor Day Farm	Conf	5586.65	Midwest Service	Sup	294.00
Arbor Mart	Fuel	3074.34	Midwest Turf	Chem	716.17
Arborlinks	Rep	1325.00	Miller Monroe	Ins	6402.67
Barton, N	Rfnd	25.00	Morton Building	Rfnd	200.00
Bohl Plbg	Rep	1437.10	Mullenax	Sup	493.67
Brown, J	Rfnd	25.00	National Arbor	Dues	15.00
BSN Sports	Sup	131.61	Nationwide	Inv	16476.00
Card Services	Misc	780.83	NC Public School	Fine Arts	160.00
Casey's General	Fuel	422.49	NC Utilities	Util	9920.30
Chaney, C	Rfnd	100.00	Orscheln	Sup	194.30
City of NE	Artist	1100.88	Otoe County Clerk	Contr	4423.46
Coca-Cola	Bev	190.29	Page Wolfberg	Misc	143.20
Concrete Ind	Sup	115.00	Partsch, T	Fine Arts	371.17
Davis, A	Fine Arts	450.00	Payroll	Payroll	102716.35
Don Johnson	Rfnd	200.00	Pitney Bowes	Postage	189.00
Don's Johns	Contr	525.00	Purchase Power	Postage	400.00
Double Eagle	Bev	69.15	The Radar Shop	Contr	150.00
Douglas Tire	Rep	1767.03	Radke, K	Fine Arts	340.70
Ehlers, A	Mileage	279.16	Vollman, R	Sup	500.00
EMS Billing	Contr	2952.35	Right Choice	Contr	4800.00
Fareway	Conc	47.04	River View Pest	Pst Cntrl	362.00
Fastenal Co	Sup	42.32	Shell	Fuel	2806.90
Gatehouse Media	Adv	231.09	Spidell, C	Rfnd	25.00
Grimm's Gardens	Sup	624.93	Stratus	Contr	2087.99
Guardian	Ins	3583.73	Sutphen	Sup	108.26
H2 Golf Co	Sup	166.20	Thurman's Bike	Sup	78.00
Harris, C	LB840	1000.00	Tielke's	Conc	28.76

Hopkins Auto	Sup	14.17	Tift, K	Rfnd	25.00
Ideal Pure Water	Contr	162.41	Tri-State Office	Sup	250.11
JEO	Contr	1692.50	Tri-State Pumping	Rep	1190.00
Jerry's Landscaping	Maint	115.00	Turf Supply Co.	Chem	180.00
Johnson, J	Mileage	157.49	Tyco Integrated	Contr	154.95
Jones, C	Mileage	204.49	UHC	Ins	60991.89
Kreifels Cons.	ROW	9520.65	Unifirst Corp	Sup	104.49
Kreifels Electric	Rep	149.00	Verizon	Tele	14.06
Landis Engine	Equip	565.14	Voice News	Adv	73.50
Lincoln Financial	Ins	2528.16	Watkins	Sup	105.40
Martin Marietta	Sup	1427.30	Whispering Pines	Fine Arts	1104.40
Matheson	Sup	141.44	Windstream	Tele	2416.95
MD Aquatics	Contr	1178.00			

Moved by Mayor Hobbie to re-appoint Bruce Stanley to the Board of Building Appeals. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the Class “C” liquor license application from Bryan and Kelly Bequette DBA The Keeping Room. Kelly Bequette was sworn in by City Attorney David Partsch. Ms. Bequette answered questions concerning actual location in the building, number of employees and number that will be serving alcohol and those that will have server training. Mayor Hobbie asked if there was anyone in the room that would like to speak 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 from the S.P.L.A.S.H. Committee for a LB840 grant to pay for professional planning services for a proposed swimming pool. Stephanie Shrader stated that the LB840 loan committee approved the application and is recommending it for approval. Phil Silvius, Acting Chairperson of the S.P.L.A.S.H. Committee answered questions from the Council. Mr. Silvius informed the Council that the committee has been working with a firm out of Kansas for several months and has done surveys of local residents as to what is desired in an aquatic center. Mr. Silvius added that based on the survey responses the estimate for a new pool is in the \$5.5 million dollar range. The goal is to make Nebraska City’s aquatic center a regional destination. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Motion carried.

Joe Johnson provided the Board with the City Administrator’s Report. The Treasurer reported cash balance on hand as of June 1, 2014 of \$737,025.73; receipts of \$678,930.57; expenditures of \$818,671.32 leaving a balance on hand as of June 30, 2014 of \$597,284.98. Mayor Hobbie asked that the reports be placed on file.

Moved by Commissioner Handy and seconded by Mercer to approve the Class “C” liquor license application of Bryan and Kelly Bequette. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2639-14 approving a grant of LB840 funds to the S.P.L.A.S.H. Committee. Moved by Commissioner Handy and seconded by Stark to approve Resolution 2639-14. 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 NO. 2639-14**

**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 an eligible entity for a total funding of \$17,600 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 "**Nebraska City SPLASH Aquatic Advisory Committee**", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 21st day of July, 2014 by the Mayor and Council of the City of Nebraska City, Nebraska.

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Jack Hobbie, Mayor

Mayor Hobbie moved to the request by Nebraska City Museum Association to use five (5) picnic tables for an Ice Cream Social at the Nelson House on July 27, 2014. Moved by Commissioner Handy and seconded by Mercer to approve the request from NCMA to use 5 picnic tables for an Ice Cream Social at the Nelson House on July 27. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana explained the recommendation by the BPW to replace the Lime Slaker at the Waste Water Treatment Plant. Moved by Stark and seconded by Crunk to approve the recommendation by the BPW to replace the Lime Slaker at the Wastewater Treatment Plant in the amount of \$132,000.00. Upon roll call the following voted YES: Mercer, Handy, Crunk, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana described to reasoning for the upgrade of south 11<sup>th</sup> Street electrical service. Moved by Stark and seconded by Mercer to approve W.O. 114 to upgrade electrical service on south 11<sup>th</sup> Street in the amount of \$56,549.03. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana described the condition and reasoning for rebuild and replace the Platform Sub in the alley between 7<sup>th</sup> and 8<sup>th</sup> Streets in the amount of \$23,079.82 at this time. Moved by Stark and seconded by Commissioner Handy to approve W.O. 116 to rebuild the Platform Sub between 7<sup>th</sup> and 8<sup>th</sup> Street and Central and 1<sup>st</sup> Avenue. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Dan Giittinger explained the request from the Nebraska City Public Schools to vacate 12<sup>th</sup> Avenue between 12<sup>th</sup> Street and 13<sup>th</sup> Street. School Superintendent stated that the school is trying to sell the property and this vacation eliminates the separation of the two parcels. Moved by Mercer and seconded by Commissioner Handy to approve the request to vacate 12<sup>th</sup> Avenue between 12<sup>th</sup> Street and 13<sup>th</sup> Street and direct the City Attorney to draft the ordinance. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance No. 2945-14 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A TRACT OF LAND IN PART OF FRONTAGE ROAD RIGHT-OF-WAY AND THAT PORTION OF VACATED FRONTAGE ROAD AS DESCRIBED IN SECTION 1 HEREOF; DIRECTING NOTICE OF SALE BY PUBLICATION; PROVIDING FOR DELIVERY OF A DEED; AND PROVIDING 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. 2945-14 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. 2945-14**

**AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A TRACT OF LAND IN PART OF FRONTAGE ROAD RIGHT-OF-WAY AND THAT PORTION OF VACATED FRONTAGE ROAD AS DESCRIBED IN SECTION 1 HEREOF; DIRECTING NOTICE OF SALE BY PUBLICATION; PROVIDING FOR DELIVERY OF A DEED; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, L & H Investments (Larson Motors) has requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners of the City of Nebraska City, Nebraska, have approved said sale for the consideration hereinafter stated:

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

Section 1. That the City of Nebraska City does hereby sell to L & H Investments, for the consideration of \$100.00 and all expenses involved, including publication and filing fees, and subject to existing taxes and special assessments, if any, and also subject to any existing easements, the following described property:

A Part of Existing Frontage Road right-of-way located in Part of Vacated 18<sup>th</sup> Street adjacent to Blocks 11 & 12, Part of Lots 4, 5, 6, 8, 9, 10, 11 & 12, & Part of adjacent Vacated alley, Block 11, All in Elmwood Addition to Nebraska City, located in Part of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section 5, Township 8 North, Range 14 East of the 6<sup>th</sup> P.M. Otoe County, Nebraska, being more particularly described as follows:

Considering the West line of the SE<sup>1</sup>/<sub>4</sub> of Section 5, Township 8 North, Range 14 East as being S00°00'00"E and with all bearings contained herein relative thereto:

Commencing at the Center of said Section 5, thence southerly along said West line of the said SE<sup>1</sup>/<sub>4</sub> S00°00'00"E 670.0 feet to a point, said point being the N.W. Corner of said Block 12, Elmwood Addition; thence southeasterly along the Southerly existing Frontage Road right-of-way S77°36'31"E 289.9 feet to a point, said point being the True Point of Beginning; thence continuing southeasterly S74°14'39"E 182.72 feet to a point; thence southeasterly S61°10'43"E 202.26 feet to a point on the West line S01°14'52"W 39.43 feet to a point on the said existing Frontage Road right-of-way; thence northwesterly along said Southerly right-of-way line N62°05'31"W 398.55 feet to the True Point of Beginning, (containing 0.26 +- acres)

And portion of Vacated Frontage Road described legally as follows:

A part of existing Frontage Road right-of-way located in part of vacated 18th Street adjacent to Blocks 11 & 12, part of Lots 2, 3, 4, 5, 6, 10, 11 & 12, and part of adjacent vacated alley, Block 11, part of vacated 12th Avenue right-of-way adjacent to Blocks 5 & 12, and part of Lots 7 & 8, Block 5, all in Elmwood Addition to Nebraska City, located in part of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section 5, Township 8 North, Range 14 East of the 6th P.M., Otoe County, Nebraska, being more particularly described as follows:

Considering the West line of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section 5, Township 8 North, Range 14 East as being S00°00'00"E and with all bearings contained herein relative thereto:

Commencing at the Center of said Section 5, thence southerly along the said West line of the said SE<sup>1</sup>/<sub>4</sub> S00°00'00"E 604.14 feet to a point, said point being the True Point of Beginning; thence leaving said line and continuing northeasterly N57°50'27"E 41.08 feet to a point; thence southeasterly along a radius of 163 feet, whose long chord bears S56°50'27"E 135.54 feet to a point; thence southeasterly S81°24'56"E 122.46 feet to a point; thence continuing southeasterly along a radius of 640.36 feet, whose long chord bears S70°41'29"E 226.1 feet to a point; thence southeasterly S61°04'44"E 176.58 feet to a point on the West right-of-way line of vacated 17th Street; thence continuing southerly along said West line S01°14'52"W 44.65 feet to a point; thence northwesterly along the existing Southerly Frontage Road right-of-way line N61°10'43"W 202.26 feet to a point; thence continuing northwesterly along said Southerly right-of-way line N74°14'39"W 182.72 feet to a point; thence northwesterly N72°36'31"W 289.9 feet to the Northwest (NW) Corner of Lot 6, Block 12; thence northerly along the West line of said SE<sup>1</sup>/<sub>4</sub> N00°00'00"E 65.86 feet to the True Point of Beginning;

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a deed with reservation of easements, to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to L & H Investments

Section 2. The City Clerk-Treasurer is hereby directed to publish in the Nebraska City News Press, a newspaper published and of general circulation in the City of Nebraska City, immediately after the passage and publication of this ordinance, a notice of said sale for three consecutive weeks.

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said deed to the purchaser of said real estate, after the publication of said notice as

hereinbefore provided and after thirty days from the passage and publication of this ordinance, and upon payment by the purchaser of said consideration in cash.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 21<sup>st</sup> day of July, 2014.

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Jack Hobbie, Mayor

Dan Giittinger explained that the South 15<sup>th</sup> is now complete and the retention of \$9,520.65 can now be released to the contractor. The City Engineer has recommended acceptance of the project. Moved by Stark and seconded by Commissioner Handy that the City Accept the Project and pay the final estimate of \$9,520.65 for the South 15<sup>th</sup> Street project and authorize the Mayor to sign all documents. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

Dan Giittinger provided two options for repairing the restrooms at the softball complex. Option 1 would replace the current septic system which would make field three unusable for the remainder of the year at a cost of \$10,042.00; or Option 2 install a lift station and pump the waste to another lift station 1,200 feet away at a cost of \$26,400.00. Option 2 would create the least amount of damage to the ball fields. Mr. Giittinger added that the Council could use the emergency fund of \$29,501.00 created for this budget year. Moved by Crunk and seconded by Stark to move ahead with Option 2 and use a portion of the emergency funds to pay for the repairs. Upon roll call the following voted YES: Handy, Mercer, Stark, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Joe Johnson previously provided each Commissioner with copies of the Solid Waste Collection proposals received. Mr. Johnson included two exhibits showing comparisons (Exhibits A & B) one with services staying the same with proposed costs for all services provided and one with mandatory trash service for every residence with proposed costs and the city doing the billing. Moved by Stark and seconded by Handy to make trash collection optional like it is today not mandatory and that we move forward with the recommendation from the committee to accept the bid from B.K. Inc and American Recycling and Sanitation and appoint two council members to negotiate the final contract volunteering myself and the finance commissioner to the negotiating committee along with City Attorney Joe Johnson and City Attorney David Partsch and Jeff Edwards. Lee Wilson, Vice-president with Allied Recycling and Refuse pointed out discrepancies in costs between the two proposals and that Allied Recycling is lower in many classes of customers and did provide a significantly lower price per residence for mandatory trash collection. Mayor Hobbie called for a roll call vote. Upon roll call the following voted YES: Mercer, Handy and Stark. Voting NO: Crunk and Mayor Hobbie. Motion adopted.

Mayor Hobbie presented a letter to the Commissioners outlining additional capital purchases to the proposed 2014-2015 budget and options on how to fund those capital purchases. Included in his list are: Copiers \$14,000; Overlay Machine \$95,000; Pagers \$2,200; Golf Carts \$6,000; Police Car \$32,000; Demolition \$3,000; Mower \$10,000; Paramedic \$64,669; 11<sup>th</sup> Street Engineering \$150,000. Revenue would come from accessing sales tax already being received but not budgeted and increased property taxes.

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Arnold M. Ehlers, City Clerk - Treasurer