

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
August 2, 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 August 2, 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.

Vice-president Mercer called the meeting to order at 6:00 p.m. The Vice-president 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. Vice-president Mark Mercer led in the Pledge of Allegiance. Upon roll call the following answered present: Jeff Crunk, Dean Handy, and Mark Mercer. Absent: Brett Gay, and Mayor Jack Hobbie. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the July 19, 2010, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted YES: Crunk, Handy, and Mercer. Voting NO: None. Motion adopted.

Commissioner Handy moved to pay all claims as presented, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, and Mercer. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the Electrician's permit for Michael Ray. Upon roll call the following voted YES: Crunk, Handy and Mercer. Voting NO: None. Motion carried.

Pat Haverty reminded the Commissioners of the Budget Workshop scheduled for August 12 at 2:00 p.m. The Central Avenue Mill & Overlay appears to be on schedule. Weather has begun to cooperate on the 11<sup>th</sup> Street/11<sup>th</sup> Corso Project and some paving has been completed. Steinhart Park Trail Phase II is starting with Schemmer Associates walking the proposed trail last week. Vice-president Mercer accepted the report and asked that it be placed on file.

Galaxy Cable Inc. requests that the City approve the transfer of the assignment and assumption of the right-of-way easement agreement to Zito Midwest LLC. Commissioner Handy moved to approve the Consent to Assignment and Assumption Agreement. Upon roll call the following voted YES: Crunk, Handy and Mercer. Voting NO: None. Motion adopted.

Doug Farrar addressed the Council outlining additions and improvements planned and requested the City of Nebraska City sponsor an application for a CDBG Tourism Development Grant for Arbor Day Farm. No action taken at this time. A formal request and Public Hearing will be held on August 16.

Leroy Frana from Nebraska City Utilities presented the recommendation by the Board of Public Works to award a contract to Utility Service Co., Inc in the amount of \$244,800.00 to recoat the interior and exterior of the water tower. Commissioner Handy moved to approve awarding a contact to Utility Service Co., Inc in the amount of \$244,800.00 to recoat the water tower. Upon roll call the following voted YES: Crunk, Handy and Mercer. Voting NO: None. Motion carried.

Pat Haverty opened the discussion by updating those present on recent conversations related to the drainage issues along and south of 14<sup>th</sup> Avenue from 13<sup>th</sup> to 15<sup>th</sup> Streets. Commissioner Gay entered the meeting at 6:17 p.m. Bill Aultz and Pat Wehling questioned the Council concerning any action on the request by homeowners in the area for high water mitigation and possible grant funding. Commissioner Crunk stated that Northside School has increased the water problem and that the school district needs to correct their runoff before the City can proceed. Pat Wehling said there is a safety concern when there are heavy rains. Bill Aultz stated that there were no issues this year but he observed that the Union Pacific RR upgraded their culvert at the bottom of the drainage area and that the City needed to enlarge the culvert at 10<sup>th</sup> Avenue. Pat Haverty added that there had been continuing conversations with the engineer and stated that the estimated costs at \$600,000.00 and would probably require an assessment district and that he would do a better job of communicating information with the homeowners.

Dan Giittinger provided information on the circumstances which brought about the request by Mr. Rich Wilson to remove the trees on the City right-of-way on South 11<sup>th</sup> Street in front of his business and replace them with shrubs so that his sign would be visible from a distance. Mr.

Wilson believes that the trees create a detriment to his business. Dave Partsch asked the Council to make a thoughtful process as those trees were planted with Trees America grant money. Dan Giittinger added that there were 3 other business owners complaining about planting in front of their businesses. Commissioner Gay moved to postpone action on this issue until the Commissioners had an opportunity to view the area. Upon roll the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion adopted.

Debra Kuhn and Stephanie Farmer summarized a report issued to the Mayor and Commissioners about the benefit of a dedicated area in Wildwood Park for a Dog Park. Grant Boden stated that the City should employ a landscape architect to make sure any changes in the park system fit a long range plan. Gail Wurtele expressed concerns that an unattractive area in close proximity to the Wildwood Period House would detract from all the restoration efforts put in by many individuals and foundations. Chief David Lacy suggested moving the Dog Park east closer to Steinhart Road which would provide parking at no additional costs. After a discussion it was agreed that Ms. Farmer and Ms. Kuhn would view the proposed area with the Park Commissioner, Street Commissioner and Public Properties Director to determine actual size and location and appear at a future meeting with a more specific request.

Pat Haverty informed the Council of the documents needing signatures to accept the award of \$101,905.00 Energy Efficiency and Conservation Block Grant. Commissioner Handy moved to authorize the Vice-president and City Administrator to sign the "Authorization to Request EECBG Funds and Contact Information" form. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion passed.

Pat Haverty explained the Financial Aid Agreement for the Energy Efficiency and Conservation Block Grant. Commissioner Handy moved to approve the financial aid agreement and authorize the Vice-president to sign. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion carried.

Harry Swim appeared before the Council to request that a portion of Central Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets be blocked off for motorcycle parking in support of the "Juvenile Diabetes Foundation" run. Commissioner Handy moved to approve the request by Harry Swim to block a portion of Central Avenue from 4:00 p.m. to 9:00 pm on August 21, 2010. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion carried.

Nebraska City Area Economic Development Agency requested use of four (4) picnic tables on August 28, 2010 for an "Electronics Recycling" project. Commissioner Handy moved to approve the request to use 4 picnic tables on August 28, 2010 at the "Old" Norman's Grocery Store. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion passed.

Vice-president Mercer introduced Ordinance 2807-10 entitled, AN ORDINANCE TO AMEND SEC. 34-80 OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE FOR AN OCCUPATION TAX OF \$25.00 PER YEAR FROM HOME BASED BUSINESSES; TO REPEAL THE ORIGINAL SEC. 34-80 OF THE CODE AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE 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: Gay, Crunk, Handy and Mercer. 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 Vice-president Mercer moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. Commissioner asked why the need for the fee. City Clerk Arnold Ehlers stated that this was part of an ongoing effort to derive Nebraska City revenues from those that require specific actions by City staff, such as building permits, pet licenses, liquor licenses, tobacco licenses, etc., rather than taxpayers who do not benefit from the activities pay the bill.. Commissioner Gay stated that he could no understand how that small amount of revenue helps the City and what effort the City does to monitor such businesses. Upon roll call the following voted YES: Handy and Mercer. Voting NO: Gay and Crunk. Motion failed.

Pat Haverty informed the Council of the need to have an "Asbestos/Lead Survey" completed on the Memorial Building and provided the necessary documents from VATC Associates Inc. with a cost estimate of \$3,805.00, for Council review. Commissioner Gay asked if bids were solicited. Mr. Haverty answered no, that this firm was highly recommended by two architectural firms that the City does business with. Commissioner Gay moved to have staff get at least two bids for the

survey. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion adopted.

Pat Haverty brought the Council up to date on the condition of the foot bridge in Steinhart Park. An inspection by an engineer revealed that there are structural problems with the bridge. Staff closed the bridge as soon as they received the report. Staff is now asking the Council to approve closing of the bridge pending repair options and costs. Commissioner Mercer moved to close the foot bridge in Steinhart park and have staff research repair option and costs. Upon roll call the following voted YES: Gay, Crunk, Handy and Mercer. Voting NO: None. Motion passed.

Acco	2,186.30	Supp	Nationwide	10,052.58	Ins
Action Tech	400.00	Contr	NC Jaycees	2,000.00	Misc
Adkins Sign	26.75	LB840	NCAEDC	6,250.00	Contr
Arbor Mart	2,074.68	Fuel	NCTC	5,312.50	Contr
AVAC	653.00	Contr	NE Comm Found	2,291.67	Contr
Cintas	55.00	Contr	NE Dept Health	35.00	Med
City Tire	43.80	Rep	NE Enviro Prod	675.43	Rep
Danko Equip	125.07	Supp	Nielsen, R	10,260.41	LB840
Douglas Tire	334.90	Rep	NMC/CAT	454.49	Rep
Eggers Brothers	101.02	Maint	Olsson Associates	12,620.18	ROW
Fastenal	205.44	Rep	O'Reilly Auto	12.98	Rep
Food Pride	157.59	Conc	Orscheln	117.35	Rep
Haverty, P	123.50	Mileage	Otoe Co Clerk	670.00	Contr
Heartland Class	34.62	Advert	Payroll	114,900.45	Payroll
Hopkins Auto	21.48	Rep	Petty Cash	6.15	Postage
In the Swim	49.93	Supp	Quality Remodel	2,260.00	Contr
JEO	945.50	Contr	Roto Snake	193.00	Maint
Kimmel Orchard	1,500.00	LB840	Schendel Pest	150.00	Pest Cont
Konica Premier	15.00	Contr	Schneider Electric	133.50	Rep
Landis Engine	326.80	Equip	Sinclair Hille Arch	2,000.00	Contr
Larson Motors	149.79	Rep	St. Mary's Hospital	129.21	Med
Lesco	1,134.00	Supp	State Chem Mfg	183.53	Supp
Linweld	131.90	Med	Stovall Industries	40,595.00	Contr
Martin Marietta	174.07	Maint	Stutheit Implement	407.67	Rep
MD Aquatics	1,168.00	Maint	Technology Design	105.50	Maint
Mead Lumber	23.47	Rep	Thurmans	14.99	Equip
Mellage Truck	152.18	Rep	Tielke's	13.44	Conc
Mid-Con Systems	150.50	Supp	Tree City Tees	404.49	Unif
Midwest Service	831.59	Supp	Two Sisters Clean	225.00	Contr
Acco	278.66	Supp	Nationwide	5,633.15	Ins
Action Tech	266.67	Contr	NC Jaycees	5,520.24	Misc
Adkins Sign	254.68	LB841	NCAEDC	5,407.34	Contr

Meeting adjourned at 7:35 p.m.

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Arnold M. Ehlers, City Clerk - Treasurer