

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
August 5, 2013

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 at City Hall, 1409 Central Avenue, on August 5, 2013. 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 July 15, 2013, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. Abstain: Stark. 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.

Moved by Mayor Hobbie and seconded by Commissioner Handy to re-appoint Duane Arends to the Cemetery Board, Bill Roker to the Economic Development Loan Review Committee, Alan Fox to the Library Board and John Wenzl to the Tree Board. Upon roll call the following voted YES: Mercer, Stark Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie proclaimed August 10, 2013 as "Forget-Me-Not" day in Nebraska City and urged all citizens to support the Disabled American Veterans.

EMS Chief Rodney Turpel introduced Andrew Snodgrass as the new Paramedic Manager. Fire Chief Alan Viox expressed the City and Fire Departments gratitude for the time and effort the Chief Turpel invested in getting the EMS Division up and running.

Captain Snodgrass accepted the promotion and then asked Rea Shirley to say a few words concerning her recent lifesaving rescue. Ms. Shirley read an emotional statement that doctors and medical staff at the hospital she was taken to kept telling her she should not be alive. When she was finally able to communicate clearly with the medical staff she asked why they kept telling her that. They told her that less than 2% of the people that have the type of heart attack she had survive and of those that do only a fraction are able to live a normal life. She asked them if she would be able to lead a normal life and they told her she would. She asked why? They told her it was due to the quick response by the EMT's and the accurate treatment she received. She expressed her gratitude to the entire Nebraska City Volunteer Fire and Rescue Department. Captain Snodgrass stated that the last five cardiac arrest calls are all still alive. Captain Snodgrass then presented Certificates of Appreciation from the American Heart Association to the following organizations and individuals for the lifesaving efforts on July 28, 2013 at Steinhart Pool: Otoe County Sheriffs' Department, Nebraska City Police Department, Steinhart Pool Staff, Chad Poggemeyer, Trooper Tom Giffie, Andrew Snodgrass, Dave Holland and Gregg Goebel.

Mayor Hobbie opened the Public Hearing on the "Class D" Liquor License application from Ericon Inc. DBA Quik-Pik. Chief Lacy provided a letter stating that Nebraska City Police Department was not aware of any adverse information that would affect the issuance of this license. No one else spoke in support or opposition to the issuance of a Class D Liquor License for Ericon Inc. DBA Quik-Pik. Moved by Commissioner Handy and seconded by Commissioner Stark to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the zoning change request by Joan Dawson on the structure located at 707 1<sup>st</sup> Corso. Dan Gittinger explained the request and the Planning Commissions' action on the request. Vic Johns informed the Council that this zoning change would result in a new business coming to Nebraska City. No one else spoke in support or opposition to the request. 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 passed.

Moved by Commissioner Stark and seconded by Commissioner Handy to approve the Class "D" Liquor License application by Ericon Inc. DBA Quik-Pik. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2915-13 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 C-2 CENTRAL BUSINESS DISTRICT TO R-2 RESIDENTIAL; TO PROVIDE FOR 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: Stark, Crunk, 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 Mercer. The Mayor then stated the question: "Shall Ordinance No. 2915-13 be passed and adopted?" Upon roll call the following voted YES: Stark, Crunk, 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. 2915-13

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 C-2 CENTRAL BUSINESS DISTRICT TO R-2 RESIDENTIAL; TO PROVIDE FOR 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, 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 C-2 Central Business District to R-2 Residential, insofar as the same relates to the property legally described as:

Lot B Contained in the West Half (W<sup>1</sup>/<sub>2</sub>) of Lot 2 and the East Half (E<sup>1</sup>/<sub>2</sub>) of Lot 3; Block 91; 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 5<sup>th</sup> day of August, 2013.

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Jack Hobbie, Mayor

Mayor Hobbie introduced the CDBG extension request for the Tourism Grant given to Arbor Day Farms. Moved by Commissioner Handy and seconded by Commissioner Stark to approve the extension request and authorize the Mayor to sign all documents to aid in the request. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie then presented the request by Windstream to bury communications facilities on city R-O-W. Dan Patton, Nebraska City Utilities Superintendent reviewed the route and sent an email indicating that NCU had no problem with the route and did not wish to partner for space in

the conduit. Moved by Commissioner Stark and seconded by Mercer to approve the application to bury communications facilities on City R-O-W. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson presented the revised Capital Improvements Prioritization Schedule. Crunk stated that the Pool Manager asked that the Chemical Controller be replaced by the pool vacuum as there was a greater need for the vacuum. Moved by Mercer and seconded by Commissioner Stark to approve the revised CIP schedule with the vacuum replacing the chemical controller and deleting the tablets for City Council members and remodeling Council Chambers. Upon roll call the following voted YES: Handy, Stark, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion passed.

The request for a permanent easement at 501 4<sup>th</sup> Corso from Glenn Bennett was next on the agenda. Richard Hoch representing Mr. & Mrs. Bennett appeared before the Council to explain the necessity for the easement. A garage built over forty years ago is four feet (4') on city R-O-W and the Bennett's are in the process of selling their house and the lender is requiring the easement. Moved by Commissioner Stark and seconded by Commissioner Handy to approve the easement. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Gary Lee requested the closure of 3<sup>rd</sup> Corso from 6<sup>th</sup> Street to 611 3<sup>rd</sup> Corso for a household goods auction on August 10, 2013. Moved by Commissioner Handy and seconded by Mercer to approve the request to close 3<sup>rd</sup> Corso from 6<sup>th</sup> Street to 611 3<sup>rd</sup> Corso on August 10, 2013 from 7:00 a.m. to 3:00 p.m. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Amy Allgood representing NCTC requested that the alley north of the Memorial Building be closed to traffic on Thursday, August 8, from 3:00 p.m. to 6:30 p.m. for the Farmers Market. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Kathy Davenport representing the Eagles Club requested the closure of 1<sup>st</sup> Corso from 6<sup>th</sup> Street to 7<sup>th</sup> Street for a Street Dance on August 17, 2013. Moved by Commissioner Stark and seconded by Mercer to approve the request by Kathy Davenport to close 1<sup>st</sup> Corso from 6<sup>th</sup> to 7<sup>th</sup> Street on August 17 from 6 to 11 p.m. after notifying the businesses located nearby. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Kathy Davenport representing the Fraternal Order of Eagles requested approval of a Special Designated Liquor License for August 17, 2013. Moved by Crunk and seconded by Commissioner Handy to approve the SDL for the Fraternal Order of Eagles. Upon roll call the following voted YES: Stark, Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2609-13 authorizing the Chief Elected Official to sign documents for Affordable Housing Funds. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2609-13. Upon roll call the following voted YES: Stark, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2609-13**

**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 \$316,000 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

Date: \_\_\_\_\_

Mayor Hobbie introduced Ordinance No. 2916-13 entitled AN ORDINANCE TO VACATE THAT PORTION OF NINETEENTH STREET LYING BETWEEN BLOCKS TWO AND THREE IN BELMONT ADDITION TO NEBRASKA CITY, AND BLOCKS NINE AND TWENTY-FOUR, IN PRAIRIE CITY ADDITION TO NEBRASKA CITY, NEBRASKA, AS DESCRIBED IN SECTIONS ONE AND TWO HEREOF; 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: Stark, Crunk, 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 Mercer. The Mayor then stated the question: "Shall Ordinance No. 2916-13 be passed and adopted?" Upon roll call the following voted YES: Stark, Crunk, 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. 2916-13  
AN ORDINANCE TO VACATE THAT PORTION OF NINETEENTH STREET LYING BETWEEN BLOCKS TWO AND THREE IN BELMONT ADDITION TO NEBRASKA CITY, AND BLOCKS NINE AND TWENTY-FOUR, IN PRAIRIE CITY ADDITION TO NEBRASKA CITY, NEBRASKA, AS DESCRIBED IN SECTIONS ONE AND TWO HEREOF; AND TO DECLARE AN EFFECTIVE DATE.

Whereas, Mitchell Krenk and Judy Krenk, being the owners of property described as Lot 6 in Block 9 and the South half of vacated alley adjacent thereto, Prairie City Addition; Lots 1, 2, and 3, and one half of the vacated alley adjacent thereto in Block 3, and Lots 1, 2, 3, 10, 11 and 12, in Block 2, all in Belmont Addition; and Melissa Weddle, being the owner of Lot 5 and the North half of Lot 4, Block 24, Prairie City Addition, all in Nebraska City, Otoe County, Nebraska, have requested the vacation of that portion of Nineteenth Street lying between said properties, which is undeveloped, and

Whereas, the Mayor and City Commissioners of Nebraska City, find and determine that since such street area has never been used as a public street, that the vacation of Nineteen Street as requested will be in the best interests of the City of Nebraska City.

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, hereby vacates that portion of Nineteenth Street lying between Lot 6 in Block 9 and the South half of vacated alley adjacent thereto in Belmont Addition and Lots 1, 2, 3, 10, 11 and 12, in Block 2, in Prairie City Addition, all in Nebraska City, Otoe County, Nebraska.

Section 2. That the City of Nebraska City, hereby vacates that portion of Nineteenth Street lying between Lot 5 and the North half of Lot 4, Block 24, Prairie City Addition and Lots 1, 2, and 3, and one half of the vacated alley adjacent thereto in Block 3, Belmont Addition, all in Nebraska City, Otoe County, Nebraska.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

Passed and Approved this 5th day of August, 2013.

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Jack Hobbie, Mayor

Joe Johnson polled the Council members concerning a day next week they could meet to review the budget. August 15, at 1:00 p.m. was the date and time selected for the budget meeting.

Joe Johnson presented the revised Broadband Franchise Ordinance. All of the concerns that were expressed at the July 15, 2013 City Council meeting had been addressed and revised as suggested by Council members. Moved by Commissioner Stark and seconded by Commissioner Handy to approve the draft of the broadband franchise ordinance, send out RFP's and appoint a Bandwidth Franchise Ordinance Citizen Advisory Committee that is Chaired by Commissioner Stark with Committee members being Joe Chaney, Chris Fletcher, Dan Kelly, Scott Vanderveen, Amber Hill and Joe Johnson. Upon roll call the following voted YES: Mercer,

ACCO	Chem	1112.25	Mead Lbr	Sup	2537.10
Alamar Uniforms	Unif	331.39	Mellage Truck	Rep	635.42
American Chamber	Dues	230.00	Michael Todd	Sup	312.00
Amerine Builders	Maint	12307.91	Midwest Concrete	Maint	8900.00
Arbor Mart	Fuel	5276.64	Midwest Machine	Rep	54.00

AVAC	Contr	397.54	Midwest Turf	Sup	78.95
Arrow Mfg.	Sup	24.99	Missoula Theatre	Arts	2400.00
Baird Holm, LLP	Legal	1412.00	Mullenax	Sup	251.10
Battery Zone	Sup	134.95	Nationwide	Inv	18581.04
Beelner Service	Rep	561.00	Natl Bus Furniture	Sup	2033.00
Bluebirds across NE	Dues	20.00	NC Clerk - Treasurer	Misc	31.28
Bob's Welding	Rep	961.00	NC Museum Assoc.	Contr	2406.25
Booth, R	Rfnd	25.00	NCTC	Contr	5416.67
Bound Tree	Sup	1236.74	Dept of Agriculture	Dues	150.00
Brown Glass	Rep	48.00	Nebraska Golf	Sup	169.18
Callaway	Mdse	1028.11	New Tech Inc	Maint	7806.00
Century Lbr	Sup	846.93	NMC Exchange	Rep	1057.93
Concrete Ind.	Sup	1652.82	O'Reilly	Sup	67.45
Cullin Construction	Maint	3441.79	Omaha Tractor	Sup	191.68
D & D Comm.	Contr	815.00	OMB Guns	Sup	859.99
Don's Johns	Sup	125.00	Orscheln	Sup	266.34
Double Eagle	Bev	327.60	Otoe County Clerk	Contr	2009.00
Douglas Tire	Rep	623.07	Payroll	Payroll	169225.03
Ehlers, A	Mileage	398.37	Pepsi-Cola	Bev	344.40
Fareway	Conc	221.18	Pitney Bowes	Postage	189.00
Fire Protection	Rep	14.00	Roy2Holly	Loan	50000.00
Fireguard	Sup	672.55	Schneider Elec	Maint	3588.74
Food Pride	Conc	42.05	Schroeder, J	Rfnd	25.00
Fremont Fire	Rfnd	271.00	Schroeder, K	Rfnd	25.00
Galls	Unif	158.44	Shelter Home Serv	Rfnd	25.00
Gartner, G	Rfnd	100.00	Shiplee Flooring	Maint	1683.75
Gatehouse Media	Adv	79.85	Sitzman Repair	Rep	75.00
Giittinger, D	Mileage	475.89	Soriano, D	Rfnd	25.00
Great Plains Uniform	Unif	88.00	Southard's	Rep	2094.41
Hopkins	Sup	0.82	SE Plumbing	Maint	988.44
Houghton, T	Rfnd	25.00	Starner, W	Rfnd	25.00
Inland Truck	Sup	239.22	Sutphen Corp	Sup	188.00
Inman, E	Rfnd	25.00	Tielke's	Sup	85.66
Jansen, T	Misc	10.00	Towns & Assoc	Adv	750.00
Jebro Inc.	Sup	1029.88	Tree Worx	Maint	2115.00
JEO	Contr	3100.00	Tri-State Office	Sup	161.59
Jerry's Landscaping	Maint	120.00	Turf Supply Co.	Sup	125.00
Konica Minolta	Contr	177.34	Two Sisters Cleaning	Contr	275.00
Konica Minolta	Contr	245.00	Unifirst Corp	Sup	107.25
Landis	Sup	50.02	USPS	Postage	46.00
Larson Motors	Rep	3364.75	Verizon	Tele	474.42
LaRue Coffee	Sup	162.65	Diamond Vogel	Sup	7280.34
Martin Marietta	Sup	1686.27	Wage Works	Contr	72.00
Martin, C	Rfnd	25.00	Watkins	Sup	222.04
Matheson Tri-Gas	Sup	163.37	Wehling, P	Rfnd	25.00
MD Aquatics	Contr	1178.00	Whispering Pines	Arts	1264.60

Meeting adjourned at 7:19 p.m.

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Arnold M. Ehlers, City Clerk - Treasurer