

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
August 6, 2012

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 6, 2012. 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: Brett Gay, 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 William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Handy moved to approve the minutes of the July 16, 2012, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted AYE: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

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

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Bonnie Goodman to the Library Board. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie proclaimed August 11, 2012 as Disabled American Veterans Forget-Me-Not Day urging citizens to support the cause for those who have served.

Joe Miller of Miller, Monroe and Farrell presented a check to Mayor Hobbie in the amount of \$17,714.00 representing a refund of Workers Comp premium due to Nebraska City Employees safety record.

Mayor Hobbie opened the Public Hearing on a request by Nebraska City Museum Association for a grant in the amount of \$1,374.00 for radio advertising on an Omaha Radio Station to promote museum visits by out of town people. Stephanie Shrader addressed the Council with the request and asked if there were any questions. Moved by Commissioner Handy and seconded by Commissioner Gay to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided the Council with a report of his activities for the previous month. Mayor Hobbie asked that all written reports be placed on file.

Mayor Hobbie introduced Resolution 2575-12 approving a grant to the NCMA in the amount of \$1,374.00. Commissioner Mercer did not want to approve the grant without knowing how many ads would be aired for monies paid. Action tabled while Stephanie Shrader researched the information. Later in the meeting Stephanie stated that each 60 second ad would cost \$23.00. Moved by Commissioner Gay and seconded by Commissioner Handy to approve Resolution 2575-12. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2575-12

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 grant of \$1,374 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 Museum Association”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 6th day of August, 2012 by the Mayor and Council of the City of Nebraska City, Nebraska.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Ordinance No. 2886-12 entitled AN ORDINANCE TO AMEND SECTION 2-248 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO ESTABLISH FISCAL YEARS FOR ITS GOVERNMENTAL FUNCTIONS AND FOR PROPIETARY FUNCTIONS OWNED BY THE CITY; TO REPEAL SEC. 2-248 OF THE CODE OF NEBRASKA CITY, AND ANY ORDINANCES OR PARTS OF ORDIANCES 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: Mercer, Gay, Crunk, 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. 2886-12 be passed and adopted?” Upon roll call the following voted YES: Mercer, Gay, Crunk, 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 2886-12

AN ORDINANCE TO AMEND SECTION 2-248 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO ESTABLISH FISCAL YEARS FOR ITS GOVERNMENTAL FUNCTIONS AND FOR PROPIETARY FUNCTIONS OWNED BY THE CITY; TO REPEAL SEC. 2-248 OF THE CODE OF NEBRASKA CITY, AND ANY ORDINANCES OR PARTS OF ORDIANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, AS FOLLOWS:

SECTION 1. That Section 2-248 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

Sec. 2-248 Fiscal Year

- a) Governmental Functions: The fiscal year of the city for purposes of general taxes levied and appropriated shall begin on the first day of October of each year.
- b) Proprietary Functions: The fiscal year of the following city-owned proprietary functions shall begin on the first day of September, 2011, and run for 13 months ending on the 30th day of September, 2012; and thereafter the fiscal year for proprietary functions of the City shall begin on the 1st day of October of each year, to-wit:
 - 1. Water Utility
 - 2. Wastewater Utility
 - 3. Electric Utility
 - 4. Gas Utility

SECTION 2. That the original Sec. 2-248, and all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

Passed and approved this 6th day of August, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie introduced Ordinance No. 2887-12 entitled AN ORDINANCE TO AMEND SECTION 2-248 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO ESTABLISH FISCAL YEARS FOR ITS GOVERNMENTAL FUNCTIONS AND FOR PROPRIETARY FUNCTIONS OWNED BY THE CITY; TO REPEAL SEC. 2-248 OF THE CODE OF NEBRASKA CITY, AND ANY 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: Mercer, Gay, Crunk, 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. City Attorney Bill Davis interjected that he had several concerns with Ordinance 2887-12. Arnold Ehlers stated that discussion should not start until the ordinance had been moved and seconded. Mercer stated that he had read Robert's Rules and that discussion can begin without a second. Each Commissioner had concerns with different ideas and circumstances addressed in the proposed ordinance. Mayor Hobbie asked each Commissioner to put their ideas and concerns in writing and give them to Mr. Johnson by Thursday morning. Joe will then meet with the Tree Board to incorporate Council's suggestions into the new ordinance. Moved by Mercer and seconded by Commissioner Handy to postpone indefinitely action on Ordinance 2887-12. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Vic Johns addressed the Council supporting a Christian Music Festival in Nuckolls Park on August 19th from noon to 4:00 p.m. and requested that all fees be waived. Moved by Mercer and seconded by Commissioner Gay to approve the request to hold a Christian Music Festival in Nuckolls Park on August 19th and to waive all fees. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Mercer to approve the request by Robert Lowery to close 5th Corso between 9½ and 9th Street for an auction on August 18th from 7:30 am to 4:00 pm. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Kathy Davenport answered question from the Council concerning the request from the Eagles Club for a Special Designated Liquor License to serve beer, wine and alcohol in a fenced in area including part of 1st Corso and the Eagles parking lot. Moved by Commissioner Handy and seconded by Mercer to approve the application for a SDL by Fraternal Order of Eagles #968 for September 14, 2012. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to award contracts for rehabilitation of projects No's 2, 3 & 5 in the amount of \$73,380.00. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana, General Manager of the Utilities Department presented the recommendation of the BPW to award a contract to Parkson Corporation in the amount of \$251,360.00 to provide equipment for a Sodium Hypochlorite Generation System used in the disinfection process at the wastewater treatment plant. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the purchase of Sodium Hypochlorite Generation System in the amount of \$251,360.00. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson presented information on the results of the LB-357 survey for projects people would like to see accomplished. The Aquatic Center/Swimming Pool got 349 of the 745 votes cast. Second was the Memorial Building with 78 votes third Sports

Complex with 75 votes. Joe explained that conditions of the law passed by the Legislature require an interlocal agreement with another governmental agency that covers part of the LB-357 project. The only project that other governmental agencies have shown interest in is the Community Fiber Optics Network. After discussion the Council asked Joe to bring drafts of an interlocal agreement and ballot wording to the August 20 City Council meeting.

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|-------------------------|----------|---------|--|-----------------------|------------|-----------|
| A-1 Locksmith | 6.95 | Rep | | Martin Marietta | 803.8 | ROW |
| ACCO | 1,456.60 | Supp | | Masimo Americas | 1,560.00 | Supp |
| Action Tech Services | 1,038.00 | Sftwre | | McGinley, R | 100 | Rfnd |
| Adkins Signs | 195 | Supp | | Mead Lumber | 2,415.33 | Supp |
| AFLAC | 72 | Ins | | Microfilm Imaging | 80 | Contr |
| Alamar Uniforms | 372.83 | Unif | | Farmers Coop | 188.4 | Supp |
| Allied Refuse | 353.41 | Garbage | | Midwest Machine | 170.6 | Supp |
| Arbor Mart, Inc | 4,447.58 | Fuel | | Midwest Turf & Irr. | 284.5 | Supp |
| Arbor Outdoor Power | 77.99 | Equip | | Missoula Children's | 2,400.00 | Contr |
| Arbor Valley Clinic | 359.95 | Contr | | Mullenax Auto | 260.58 | Supp |
| Arrow Manufacturing | 108.9 | Supp | | Nationwide | 9,830.67 | Inv |
| Barrett Const Co. | 640 | Maint | | NC Newspress | 117.26 | Advert |
| Bell, C | 112.38 | Travel | | NCAEDC | 1395 | Contr |
| Bill Walters & Son | 28.95 | Supp | | NCTC | 11,166.67 | Contr |
| BC/BS | 243.68 | Rfnd | | NE Dept of Labor | 36 | Maint |
| Bob's Welding Shop | 28 | Supp | | Ne City Museum | 2,406.25 | CDBG |
| Bound Tree Medical | 2,222.23 | Supp | | Odey's Inc. | 1,420.45 | Supp |
| Brown's Shoe Fit | 14.85 | Postage | | O'Reilly Auto Parts | 36.53 | Supp |
| Casey's | 372.44 | Fuel | | Orscheln | 265.14 | Supp |
| Cintas Corporation | 68.3 | Supp | | Otoe County Clerk | 1,383.00 | Contr |
| Citizen Printing Co | 70 | Advert | | Otoe County Title Co | 3,500.00 | ROW |
| Concrete Industries | 420.41 | ROW | | Payroll | 170,123.70 | Payroll |
| David Waring | 25 | Rfnd | | Pepsi-Cola of Lincoln | 289.35 | Conc |
| Dell Marketing L.P. | 125.99 | Sftwre | | Petty Cash | 54.86 | Misc |
| Don's Johns & Septic | 165 | Contr | | Pitney Bowes | 189 | Contr |
| Douglas Tire Co. | 26 | Rep | | River View Pest | 342 | Pst Cntrl |
| EMS Billing Services | 3,086.08 | Contr | | Shell | 2,838.08 | Fuel |
| Fareway Stores, Inc. | 155.86 | Conc | | Shelter Home Serv | 25 | Rfnd |
| Fire Protection Serv | 18 | Maint | | Shipleigh Flooring | 575.23 | Rep |
| Food Pride | 44.2 | Conc | | Sleuth Software | 1,151.33 | Sftwre |
| Hopkins Automotive | 8.49 | Maint | | State Chemical Mfg | 102.49 | Supp |
| Hornung's Golf | 229.45 | Supp | | Thurman's Bike | 45 | Supp |
| Jebro Inc. | 962.5 | Maint | | Tielke's Sandwiches | 49.63 | Conc |
| JEO Consulting | 6,455.00 | ROW | | Towns & Associates | 750 | Advert |
| Jerry's Landscaping | 240 | Maint | | Tree City Tees | 61.18 | Unif |
| Jones Automotive | 370 | Rep | | Tri-State Office | 1,252.25 | Supp |
| Knook & Kranny | 2,300.00 | Contr | | Two Sisters Cleaning | 225 | Contr |
| Konica Minolta Bus | 227.56 | Contr | | Utt's Golf Carts | 118.5 | Maint |
| Konica Minolta | 245 | Contr | | Van Wall Turf & Irr | 13.5 | Rep |
| Kreifels Electric, Inc. | 495.57 | Maint | | Verizon Wireless | 397.37 | Tele |
| Kully Supply, Inc | 157.87 | Equip | | Voice News | 87.5 | Advert |
| Landis Engine Co | 271.04 | Equip | | Watkins True Value | 658.73 | Supp |
| Lant, J | 46.86 | Travel | | Wenzl Hardware | 1 | Supp |
| Larson Motors | 246.34 | Rep | | Whispering Pines | 259.32 | Rfnd |
| LaRue Coffee | 622.1 | Supp | | Windstream | 2,397.48 | Tele |
| LogIn / IACP Net | 500 | Dues | | Witmer Public Safety | 99.46 | Supp |
| Mark Holmes | 225 | Rfnd | | Wurtele Dist | 65.07 | Conc |

Meeting adjourned at 7:21 p.m.

Arnold M. Ehlers, City Clerk - Treasurer