

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
August 15, 2011

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 15, 2011. 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, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jeff Crunk. The following City Officials were present: City Administrator Pat Haverty, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Mercer moved to approve the minutes of the August 1, 2011 City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted AYE: Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Commissioner Handy moved to pay Claim #7250H, seconded by Commissioner Gay. Upon roll call the following voted YES: Gay, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer.

Joe Johnson provided the Council with a written report updating construction projects, industrial site selection, budget preparation and the leasing of a portion of City Hall parking lot to Kregel Windmill Museum. The Treasurer reported a beginning balance on July 1, 2011 of \$2,365,865.52, receipts totaling \$463,096.73 and expenses of \$935,151.52 leaving a balance July 31, 2011 of \$1,722,105.34 excluding Dock Board funds.

Joe Johnson outlined the terms of the proposed lease agreement with Kregel Windmill Museum Board of Directors for a portion of City Hall parking lot. Duane Smith answered additional questions concerning the timeline for windmill repairs if damages occurred and liability insurance holding the City harmless in the event of injury caused by windmill. Mr. Smith assured the Council that repairs would be made on a timely basis and that the museum board carries adequate insurance. Moved by Commissioner Gay to authorize the Mayor to sign the lease after all Commissioners have read the lease and approve the language, seconded by Commissioner Handy. Upon roll call the following voted YES: Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger provided information on the request by Rita Bishop to vacate approximately 816 square feet of 11th adjacent to the South half of Blk. 42; Greggspport Addition. Moved by Commissioner Handy and seconded by Commissioner Mercer to direct the City Attorney to draft an ordinance vacating that portion of North 11th Street. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie.. Voting NO: None. Motion passed.

Joe Johnson explained the basis for the request to enter into an agreement with Iowa State University to conduct street assessment survey of all City streets. Moved by Commissioner Handy and seconded by Commissioner Gay to approve an agreement with the Center for Transportation Research and Education at Iowa State University to conduct a street condition survey. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger addressed the Council on a request to vacate a portion of 14th Corso East of 2nd Street due to encroachment of a storage shed on City R-O-W. The vacation would enable the home buyer to get a loan on the property. Walt Scharp explained the history of that area's development and had no objections to the vacation as long as South 2nd Street remained open. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve vacating a portion of 14th Corso adjacent to Lots 6, 7 & 8; Blk 83; Kearney City Addition. Upon roll call the

following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson requested sponsorship from the City for his enrollment in the upcoming Leadership Nebraska City Class. Moved by Commissioner Gay and seconded by Commissioner Handy to sponsor Joe Johnson in the next Leadership Nebraska City Class. Upon roll call the following voted YES: Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Mercer and seconded by Commissioner Gay to grant the request to waive the shelter rent fee for the Cub Scout sign-up night August 25th. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Commissioner Gay to approve the request by the Shriner's Club to reserve the 100 block of South 7th Street for staging and parking for Applejack. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger provided additional information on the next step required for the 4th Corso Viaduct Project. Moved by Commissioner Handy and seconded by Commissioner Gay to authorize staff to advertise for RFP's for preliminary engineering and NEPA for the 4th Corso Viaduct Project. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced the request by Silver Hills Vineyards & Winery for a Special Designated Liquor License for September 17th at 8th Street Center and informed the Council that the applicant is his brother-in-law. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the SDL application from Silver Hills Vineyard and Winery. Upon roll call the following voted YES: Gay, Handy and Mercer. Voting NO: None. Abstain: Mayor Hobbie. Motion passed.

Acco	978.39	Chem	Mead Lumber	16.47	Maint
Action Tech	400.00	Contr	Mellage Truck	519.16	Equip
Alamar	205.16	Unif	Mercer's	318.16	Rep
Allied Ins	100.00	Bond	Microfilm lmg	80.00	Contr
Allied Refuse	414.25	Garbage	Midwest Coop	44.21	Supp
Amsterdam Print	150.67	Supp	Midwest Striping	6,400.00	Contr
Arbor Mart	3,650.79	Fuel	Midwest Turf	25.56	Rep
Arbor Outdoor	35.85	Supp	Mullenax Auto	90.18	Rep
AVAC	100.00	Contr	Murry, B	198.40	Training
Beilman, T	25.00	Misc	Nationwide	9,961.08	Inv
Bishop Plumbing	101.80	Rep	NC Newspress	675.02	Advert
Bohl Plumbing	1,455.55	Rep	NC Utilities	13,607.02	Util
Bound Tree	903.40	Med	NE Dept Rev	1,605.33	Sales Taz
Callaway	527.65	Msde	NE Golf & Turf	10.90	Equip
Casey's	198.53	Fuel	NE State Data C	60.00	Dues
Century Lumber	55.78	Maint	Olson, E	25.00	Misc
Cintas	60.32	Contr	Olsson Assoc	1,090.00	ROW
Concrete Ind	738.00	Maint	O'Reilly Auto	19.32	Rep
D&D Comm	561.00	Supp	Orscheln	94.77	Rep
Don's Johns	120.00	Contr	Otoe Co Clerk	2,742.24	Contr
Douglas Tire	99.95	Rep	Payroll	96,404.72	Payroll
EMS Billing	5,119.11	Med	Pepsi-Cola	97.75	Conc
Food Pride	85.74	Conc	Purchase Power	400.00	Postage
Fremont Nat Bank	518,216.25	Bond	Schmitz Survey	197.00	ROW
Giittinger, D	51.06	Mileage	Tielke's Sandwich	13.50	Conc
Heartland Bank	47,446.25	Loan	Tim Engel Const	100.00	Misc
Hemmer Garage	427.86	Equip	Tri-State Office	1,249.18	Supp
HireRight	25.00	Med	Two Sisters	225.00	Contr
Hopkins Auto	16.12	Rep	Van Wall Equip	30.19	Rep
Hornung's Golf	292.25	Supp	Verizon Wireless	301.17	Tele
HTMC	117.00	Advert	Viox, A	293.60	Mileage
Ideal Pure Water	240.29	Contr	VISA	551.97	Msde
Jerry's Landscaping	180.00	Contr	Watkins	194.98	Rep
Johnson, J	57.36	Supp	Wenzl Hardware	5.23	Rep
Konica Business	145.60	Contr	Wildwood Artists	661.83	Contr

Landis Engine	139.90	Equip		Winn, Inc.	97.66	Msde
Larson Motors	225.15	Equip		Wurtele Dist	288.13	Conc
Linweld	483.04	Med		Ziems, J	25.00	Misc
LogIn / IACP	500.00	Dues				

Meeting adjourned at 6:48 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