

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
September 17, 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 September 17, 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 Giittinger.

Commissioner Handy moved to approve the minutes of the September 4, 2012, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted AYE: Mercer, Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

Mayor Hobbie proclaimed the week of September 23 – 29, 2012 as ‘Women of Today Week’.

The Treasurer reported a beginning balance as of August 1, 2012 of \$1,289,324.86; revenues of \$817,351.49; expenditures of \$754,326.44 leaving a balance on hand as of August 31, 2012 of \$1,352,949.91. Mayor Hobbie asked that the Treasurer’s Report be placed on file.

Mayor Hobbie introduced Ordinance No. 2891-12 entitled AN ORDINANCE TO AMEND SECTION 5-6 OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE HOURS OF SALE OF ALCOHOLIC LIQUORS; TO REPEAL THE ORIGINAL SECTION 5-6; 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. 2891-12 be passed and adopted?” Upon roll call the following voted YES: Mercer, Crunk, Gay, 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. 2891-12

AN ORDINANCE TO AMEND SECTION 5-6 OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE HOURS OF SALE OF ALCOHOLIC LIQUORS; TO REPEAL THE ORIGINAL SECTION 5-6; AND TO PROVIDE FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Nebraska City, Nebraska:

Section 1. That Section 5-6, of the Code of the City of Nebraska City, Nebraska, be and is hereby amended to read as follows:

Section 5-6. Hours of sale.

- (a) Class A & B Licenses; beer only, off and on sale:
 - (1) Weekdays, 8:00 a.m. to 1:00 a.m.
 - (2) Sunday, 9:00 a.m. to 1:00 a.m. on Monday.

- (b) Class D Licenses; off sale:
 - (1) Alcoholic liquors, including beer and wine; Weekdays, 8:00 a.m. to 1:00 a.m.
 - (2) Alcoholic liquors, including beer and wine; Sunday 9:00 a.m. to 1:00 a.m. on Monday.

- (c) Class I Licenses, including non-profit corporations, for consumption on the premises:
 - (1) Alcoholic liquors, including beer and wine; Weekdays, 6:00 a.m. to 1:00 a.m.
 - (2) Alcoholic liquors, including beer and wine; Sunday 9:00 a.m. to 1:00 a.m. on Monday.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

Section 2. That the original Section 5-6 of the Code of the City of Nebraska City, Nebraska, and all ordinances in conflict with this ordinance are hereby repealed.

Section 3. 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 17th day of September, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Leroy Frana presented the recommendation by the Board of Public Works to rebuild the 3-phase line from 11th Avenue to the well field. Moved by Commissioner Gay and seconded by Mercer to approve the rebuilding of the 3-phase line from 11th Avenue to the well field. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson presented the results of the bid letting for repairs to the east roof of the Memorial Building and recommended that the Council accept the low bid from Weathercraft Co. of Lincoln in the amount of \$17,049.00 contingent upon the donated funds for the project be deposited in a City account. Moved by Commissioner Gay and seconded by Commissioner Handy to award the contract to Weathercraft Co. of Lincoln in the amount of \$17,049.00 contingent upon the donated funds be deposited in a City account prior to the award. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Aim Institute	Dues	125.00	Miller & Sons Golf	Supp	1,140.00
Allied Recycling	Cont	314.63	Mullenax Auto Supply	Supp	119.52
Arbor Mart, Inc	Fuel	3747.45	Nationwide	Inv	9,513.43
Bishop Plumbing	Rep	518.25	NC Public School	Cont	4,560.60
Bob's Welding Shop	Rep	45.00	Nebraska City Utilities	Util	15,738.13
Brad Yost Const	Rfnd	25.00	NE Dept of Revenue	Sls Tax	1,693.11
Brown's Shoe Fit Co	Unif	119.00	DHHS Div of Public	Dues	35.00
Card Services	Supp	1573.05	O'Reilly Auto Parts	Supp	69.10
Carpenter, D	Rfnd	25.00	OMB Guns	Supp	1,799.96
Casey's General	Fuel	504.02	Orscheln	Supp	407.79
Century Lumber	Supp	523.70	Otoe County Clerk	Cont	8,152.59
Cintas Corporation	Supp	68.30	Otoe County Treas	Rfnd	1,064.42
City of NC Wildwood	Contr	1153.58	Palfleet Truck Equip	Equip	90,340.00
D & D Comm	Cont	79.75	Paper Tiger	Cont	70.00
Double Eagle Bev	Conc	222.20	Paragon Sports	Supp	23.61
Douglas Tire Co.	Rep	2417.95	Payroll	Payroll	86,120.26
EMS Billing Services	Cont	3609.64	Pepsi-Cola of Lincoln	Conc	99.00
Fareway Stores, Inc.	Conc	47.04	Presto-X Company	Pst Cntrl	75.67
Food Pride	Conc	38.58	Quality Fence Co	Supp	12,311.96
Galeton Gloves	Supp	197.39	River View Pest	Pst Cntrl	342.00
Gatehouse Media	Advert	737.01	Schliesman, N	Rfnd	500.00
Giittinger, D	Mileage	84.36	Schroeder, A	Rfnd	25.00

W. W. Grainger	Supp	558.25	Shell	Fuel	2,978.65
Heartland Ctr	Dues	450.00	Sta-Built Const	ROW	29,263.54
Ideal Pure Water	Cont	52.92	Stafford, S	Rfnd	100.00
Isaacs, E	Rfnd	25.00	State Treasurer of NE	Cont	522.83
Johnson, J	Mileage	276.02	Sunrise Publications	Advert	85.33
K & Z Distributing	Conc	65.60	Taylor, R	Rfnd	25.00
KNCY AM-FM	Advert	109.08	Teten, T	Rfnd	73.36
Knook & Kranny	Cont	2300.00	Tielke's Sandwiches	Conc	13.44
Konica Minolta	Cont	160.16	Tim Engel Const	Rfnd	25.00
Kreikemier, A	Unif	104.48	Tree City Tees	Unif	132.36
Landis Engine Co	Rep	22.50	Tri-State Office	Supp	291.10
Larson Motors	Rep	5223.63	Turf Supply Co	Supp	1,920.00
LaRue Coffee	Supp	368.01	Verizon Wireless	Tele	16.72
Loveland Grass Pad	Supp	240.40	Veterinary Emer Vet	Misc	909.02
MD Aquatics, LLP	Cont	1178.00	Watkins True Value	Supp	150.87
Mercer's Do-It-Best	Supp	133.21	Wick's Sterling Trucks	Supp	309.77
Microfilm Imaging Sys	Cont	80.00	Windstream, Inc.	Tele	2,389.46
Midwest Machine	Rep	27.00			

Meeting adjourned at 6:16 p.m.

Arnold M. Ehlers, City Clerk – Treasurer