

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
October 1, 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 October 1, 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 and Mayor Hobbie. Absent: Mark Mercer. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the September 17, 2012, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted AYE: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Mayor Hobbie proclaimed the week of October 7 – 13, 2012 as Public Power and Natural Gas Week.

Mayor Hobbie opened the Public Hearing on the liquor license application by Carmen Mann to open C & G's Grill & Bar in the Old Depot. City Attorney asked Ms. Mann several questions pertaining to experience and training in alcohol sales. No one else spoke in support or opposition to the application. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on a grant request for \$5,500.00 for a housing study. Stephanie Shrader addressed the council describing the need for this type of study. No one else spoke in support or opposition to the grant. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Tracy Wieckhorst presented the Nebraska City Housing Authority's Annual Report. Highlights included the occupancy rate as well as

Mayor Hobbie opened discussion on potential location of a new swimming pool. Several citizens were in attendance for this agenda item. Leonard Garrett acted as spokesperson for the group and enumerated the many uses of the Central Avenue side of the park that would be lost if a pool were located in that specific area. He also mentioned the loss of a large tree due to the parking lot location. Jeff Walters addressed the Council with concerns that the driveway for this pool located would be right across the street for his driveway. He stated that he nor any of his neighbors attended any of the public meetings held in the past eight months concerning the pool condition and need to replace the pool. Mayor Hobbie assured the group that no decision had been made as to final location of a new pool and that a committee would be formed to explore the best location for a new pool and that this group would be informed of meeting times and locations.

Mayor Hobbie introduced Resolution 2581-12 approving a grant to Nebraska City Housing Authority for a housing study. Moved by Commissioner gay and seconded by Commissioner Handy to approve Resolution 2581-12. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2581-12

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 \$5,500.00 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 Housing Authority”**, contingent upon approval of the City Attorney as to form.
 Passed and adopted on the 1st day of October, 2012 by the Mayor and Council of the City of Nebraska City, Nebraska.

 Jack Hobbie, Mayor
 ATTEST:

 Arnold M. Ehlers, City Clerk

Moved by Commissioner Handy and seconded by Commissioner Gay to approve the application for a liquor license by Carmen Mann with the stipulation that the owners and staff receive alcohol server training. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson explained the concept of having a Master Plan for the area encompassing the new hospital and adjacent land to the west and north. This Master Plan would provide a road map for the property owner to aid their decision making and assist development that would benefit Nebraska City. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the agreement with JEO to develop a Master Plan for the designated area. Upon roll call the following voted YES: Handy, Gay and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Mayor Hobbie introduced Resolution 2580-12 approving the supplemental agreement for 4th Corso due to the unexpected condition of the concrete beneath the asphalt between 11th and 13th Street. Crunk felt that the engineer should have done more coring prior to the project beginning. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2580-12. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true and correct copy of said resolution is as follows:

RESOLUTION 2580-12
 CONSTRUCTION ENGINEERING SERVICES AGREEMENT – BK1264
 SUPPLEMENTAL AGREEMENT NO. 1
 CITY OF NEBRASKA CITY

Whereas: The City of Nebraska City and Olsson Associates, Inc. have previously executed a Construction Engineering Services Agreement BK 1264 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: The City of Nebraska City understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-Aid project; and

Whereas: The City of Nebraska City and Olsson Associates, Inc. wish to enter into a Construction Engineering Services Supplemental Agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Mayor and Commissioners of the City of Nebraska City, Nebraska that: Jack Hobbie, Mayor of the City of Nebraska City, Nebraska, is hereby authorized to sign the attached Construction Engineering Services Agreement, Supplement No. 1 between the City of Nebraska City, Nebraska and Olsson Associates, Inc.

NDOR Project Number: URB-6217(3)

NDOR Control Number: 12938

NDOR Project Description: 4th Corso, Nebraska City

Adopted this 1st day of October, 2012 at Nebraska City, Nebraska.

The City Council of the City of Nebraska City, Nebraska.

Brett Gay	Public Works Commissioner
Jeff Crunk	Parks Commissioner
Dean Handy	Street Commissioner
Mark Mercer	Finance Commissioner
Jack Hobbie	Mayor

Commissioner Handy moved the adoption of said resolution.
 Commissioner Mercer seconded the motion.
 Roll Call: 4 Yes _ No _ Abstained 1 Absent
 Resolution adopted, signed and billed as adopted.
 Attest:

Arnold M. Ehlers, City Clerk - Treasurer

Moved by Commissioner Handy and seconded by Commissioner Crunk to approve the request to block the alley behind 418 Central Avenue and the sidewalk on the east side of 5th Street north of Central Avenue for an auction on October 13, 2012. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Patton addressed the Council explaining the line and substation improvement project near Palmyra and Douglas. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the low bid of \$290,761.22 by Mid-Plains Power, LLC for the replacement of approximately 2.5 miles of line into Palmyra, rebuild a substation and approximately one-half mile of line into Douglas. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Building Inspector Alan Viox presented over 40 photos of two properties owned by Albert Zook. The photos showed unsafe structures, structures unfit for human occupancy, code violations and general ignoring of City rules and regulations. Mr. Zook stated that the building inspector had a grudge against him and had stolen \$3,000.00 worth of merchandise from one building. (After warning Mr. Zook of a violation City staff removed junk and clutter from one location and took it to the transfer station.) After a long discussion Commissioner Gay moved and Commissioner Handy seconded that the Building Inspector notify the owner that the structures located at 420 1st Corso were unsafe for human occupancy and that the owner should repair or demolish the structure or city staff will advertise for bids and demolish the structures, also the owner has 30 days to remove contents from house located at 420 1st Corso due to violation of city code banning storage facilities in residential zones. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None.

Joe Johnson explained the revised employee evaluation forms and also explained the process of evaluating administrative staff. Ha advised Council members to contact the Mayor when they want clarification on administrative effectiveness and efficiency.

A-1 Locksmith	Rep	80.00	Landis Engine	Equip	378.94
Action Tech Services	Cont	400.00	League of Nebr. Munic	Dues	11127.00
Flex One	Inv	72.00	Loveland Grass Pad	Supp	1454.95
Allied Insurance	Inv	100.00	Mead Lumber	Supp	76.46
Arbor Mart, Inc	Fuel	3426.32	Midwest Machine, Inc.	Rep	36.00
AVAC	Misc	294.47	Midwest Service	Supp	380.00
Benefiel Truck Repair	Supp	419.85	Mullenax Auto Supply	Supp	400.60
Bob's Welding Shop	Rep	95.00	Nationwide	Inv	10256.25
Bound Tree Medical	Supp	10.20	National Arbor Day	Reimb	73200.00
Brad Yost Construction	Cont	4021.00	NC Clerk - Treasurer	Misc	36.75
BSN Sports	Supp	53.99	NC Museum Assoc.	Cont	2406.25
Card Services	Misc	291.20	NCTC	Cont	5416.67
Carrot-Top Industries	Supp	51.06	NE Dept of Road	ROW	16386.85
Century Lumber	Supp	192.72	O'Reilly Auto Parts	Supp	97.93
Christiansen, P	Rfnd	100.00	Omaha Tractor, Inc.	Supp	821.96
Cintas Corporation	Supp	68.30	Orscheln	Supp	138.66
City of NC Dock	Reimb	199730.77	Otoe County Clerk	Supp	1525.00
Cunningham Farm Svc	Rep	151.25	Payroll	Payroll	164292.46
D & D Communications	Rep	503.00	Pepsi-Cola of Lincoln	Conc	115.00
Don's Johns & Septic	Supp	120.00	RDG Planning-Design	Misc	2858.75
Double Eagle Bev	Conc	98.55	S Systems	Supp	59.99
Douglas Tire Co.	Rep	172.00	Salem Communication	Misc	451.00
Eggers Brothers, Inc.	Rep	157.48	SEND D	CDBG	4410.75
Ehlers, A	Mileage	680.44	SE NE Appliance	Equip	769.00
EMC National Life Co	Inv	642.25	Switzer, J	Rfnd	100.00
Fareway Stores, Inc.	Conc	31.08	Tree City Tees	Supp	810.00
Fireguard	Supp	86.85	Tri-State Office	Supp	289.00
Food Pride	Conc	13.83	University Of Nebraska	Dues	310.00
Gatehouse Media	Advert	115.09	Verizon	Tele	394.74

Gavilon	Rep	14817.78	Video Home Theater	Equip	474.85
Hopkins Automotive	Supp	196.72	Warner, R	Rfnd	25.00
JEO Consulting Group	ROW	3028.50	Watkins True Value	Supp	422.43
Konica Minolta Prem	Cont	245.00	Wick's Sterling Trucks	Supp	1418.10

Meeting adjourned at 7:29 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