

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
December 7, 2009

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 of City Hall, 1409 Central Avenue, on December 7, 2009. 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.

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 led in the Pledge of Allegiance. Upon roll call the following answered present: Jeff Crunk, and Mark Mercer. Absent: Dean Handy, Brett Gay. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Hobbie moved to approve the minutes of the November 16, 2009, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted Yes: Crunk, and Mayor Hobbie. Voting NO: None. Abstain: Mercer.

Commissioner Gay then entered the meeting and voted YES on approving the minutes of the November 16, 2009 meeting. Motion adopted.

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

Mayor Hobbie made the motion to appoint Elizabeth Detloff to the Nebraska City Housing Authority Board. Upon roll call the following voted YES: Gay, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on a loan request by SAT-TECH LLC. Pat Haverty explained that the funds would come from the LB840 Economic Development Loan Fund and that 1 new job would be created within one year. No one else spoke in support or opposition to the loan request. Mayor Hobbie moved to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the liquor license application from Three Oaks Ventures, LLC dba Three Oaks Steakhouse and Lounge. Paul Sellon answered questions concerning the food and beverage operation. No one else spoke in support or opposition to the application. Mayor Hobbie moved to close the Public Hearing. Upon roll call the following the voted YES: Mercer, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty reported extensive vandalism at the skate board park and that it has been closed. He also informed the Council of a joint Council and Board of Public Works meeting to be held 7:00 p.m. December 16, 2009, at the Rowe Memorial Safety Complex to hear a presentation on the Nebraska City Wastewater Treatment Plant condition and options.

Pam Maybee representing her mother Pat Calvert addressed the City Council concerning a letter from the Tree Board informing her that a borderline tree needs to be removed from the property. Earl Rickman a licensed arborist from Omaha explained that the tree had indeed been improperly cabled at one time but that pruning and removing a couple of branches would allow the tree to continue providing service for a long time. After a discussion Commissioner Mercer moved to postpone action on this matter until December 21, 2009 to allow time for the Calvert Family to contact the neighbor concerning the costs of repairing or removing the tree. Upon roll call the following voted YES: Gay, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty presented a revised plan for 14th Avenue traffic in front of the new Northside School. The plan calls for placing "No Parking, Stopping, or Standing" on the south side of 14th Avenue from 11th Street to 13th Street. Also, "No Right Turns from 7:45 to 8:15 a.m. and 3:00 to 3:30 p.m." signs will be placed on the northeast corner of 13th Street at 14th Avenue and "No Left Turns from 7:45 to 8:15 a.m. and 3:00 to 3:30 p.m." at the exit of the school parking lot. Commissioner Gay moved to implement the signage as presented and direct the City Attorney to draft the ordinance. Upon roll call the following voted YES: Mercer, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2440-09 approving a loan of \$50,000.00 to SAT-TECH LLC., for building purchase and renovation. Commissioner Mercer moved to approve Resolution

2440-09. Upon roll call the following voted YES: Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2440-09
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 loans to eligible businesses 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 business for a loan of \$50,000 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 loan for **“SAT-TECH, L.L.C.”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 7th day of December, 2009 by the City Council of Nebraska City.

Mayor

ATTEST: _____
City Clerk

Mayor Hobbie introduced Resolution 2441-09 taking action on the Liquor License request by Three Oaks Ventures LLC. Db a Three Oaks Steakhouse and Lounge. Commissioner Mercer moved to approve Resolution 2441-09. Upon roll call the following voted YES: Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2441-09

WHEREAS, an application was filed by Three Oaks Ventures LLC, doing business as Three oaks Steakhouse and Lounge, at 1102 4th Corso, Nebraska City, Nebraska, for a Class "I" Liquor License; and

WHEREAS, a public hearing notice was published in the *Nebraska City News-Press* as required by state law on December 1, 2009; such publication cost being \$ 12.98; and

WHEREAS, Sue A. Sellon has applied for a liquor license manager designation for the business; and

WHEREAS, a public hearing was held on December 7, 2009, for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that;

The City of Nebraska City hereby recommends approval of the above identified liquor license application.

The City of Nebraska City hereby recommends the approval of Sue A. Sellon, as liquor manager of such business.

Passed and adopted by the Mayor and Commissioners of the City of Nebraska City, Nebraska, on December 7, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, Clerk

Lucille Schiber offered to purchase City owned property known as Part of Lots 5, 6 and 7; Blk 17; Anderson's Addition for the sum of \$50.00 plus costs. Barbara Jordan speaking on behalf of Mrs. Schiber asked to be notified when the surveyor was going to flag the corners so that she could be present. Every effort would be made to notify her when the surveyor is going to be there. Mayor Hobbie moved to approve the sale of the City owned property and direct the City Attorney to draft an ordinance for the sale. Upon roll call the following voted YES: Mercer, Gay Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance 2792-09 entitled AN ORDINANCE TO LEVY A SPECIAL TAX AND ASSESSMENT UPON CERTAIN LOTS AND PIECES OF REAL ESTATE IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO PAY THE COSTS OF THE DEMOLITION OF AN UNSAFE BUILDING; TO PROVIDE FOR CERTIFICATION TO THE COUNTY CLERK, AND TO PROVIDE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Mercer 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 Crunk. The Mayor then stated the question: "Shall Ordinance No. 2792-09 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Mercer 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 2792-09
AN ORDINANCE TO LEVY A SPECIAL TAX AND ASSESSMENT UPON CERTAIN LOTS AND PIECES OF REAL ESTATE IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO PAY THE COSTS OF THE DEMOLITION OF AN UNSAFE BUILDING; TO PROVIDE FOR CERTIFICATION TO THE COUNTY CLERK, AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, under the provisions of Chapter 19, Article III, Sections 19-63 through 19-68 of the Code of the City of Nebraska City, the owner of record of the property listed below was notified, in writing, to remedy the condition of an unsafe building, and

WHEREAS, said owner did not comply with said request within the thirty (30) days for the remedying of the condition or demolition of the unsafe building as specified in Section 19-65 of the City Code, and

WHEREAS, the Council then directed that said unsafe building be demolished and the property be assessed the costs of said demolition as provided by Section 19-68 of the City Code,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. There is hereby levied and assessed on the following described property a special assessment to pay the cost of the demolition of an unsafe building in the amount of Three Thousand Nine Hundred Sixty-one & 08/00 (\$3,961.08) Dollars, which sum is levied and assessed against the following described property:

South half of Lots 5 and 6, Block 59, Greggspport Addition to the City of Nebraska City, Otoe County, Nebraska,

in accordance with the provisions of Section 19-68, of the Code of the City of Nebraska City.

SECTION 2. That the assessment upon said parcel of land is not in excess of the benefits thereto specially accruing from the demolition of the unsafe building and the special assessment has been determined in accordance with the benefits accruing to said parcel of land.

SECTION 3. Said special assessment shall be a lien on the property on which it is levied from the effective date of this ordinance and shall be due and payable to the City Clerk Treasurer thirty (30) days after such levy. The City Clerk-Treasurer shall at the time provided by law cause such assessment or the portion thereof then remaining unpaid to be certified to the County Clerk of this County for entry upon the property tax list; that said assessment shall be payable to the City Clerk-Treasurer until so certified to the County Clerk and shall thereafter be collected by the County Treasurer.

SECTION 4. Said special assessments shall draw interest at the rate provided by Section 45-104.1 of the Revised Statutes of Nebraska, from the effective date hereof.

SECTION 5 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 7th day of December, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Pat Haverty reviewed a request for additional compensation by JEO Consulting Group, Inc, for services performed on the 11th Street widening and 11th Corso realignment project, stating that the fees were for work required due to the ARRA (Stimulus) funding. Mayor Hobbie moved to approve the additional fees. Upon roll call the following voted YES: Mercer, Gay, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Alan Viox and Steve Recker representing the Nebraska City Volunteer Fire and Rescue Department recommended the purchase of a 2010 SVI Heavy Rescue Truck from Fire Fox Rescue in the amount of \$397,648.00 based on Fire Fox being the bidder meeting the motor horsepower criteria. Commissioner Mercer moved to approve the purchase of the 2010 SVI truck as recommended by the truck committee. Upon roll call the following voted YES: Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger provided an update on the completion and approval by HWS Engineering on the 2009 Mill and Overlay Project and recommended approving the Change Order and the Final Payment for the project to Western Engineering. Mayor Hobbie moved to approve Change Order #1 and final payment to Western Engineering in the amount of 411,123.52. Upon roll call the following voted YES: Mercer, Gay and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Mayor Hobbie moved to close City Offices at noon on Thursday December 24, 2009. Upon roll call the following voted YES: Mercer, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion carried.

Adkins Signs	72.00	Advert		Martin Marietta	683.96	Gravel
Alamar	492.13	Unif		Matt Parrott	149.20	Supp
Alco	6.98	Supp		Mead Lumber	23.10	Rep
Allied Ins	100.00	Bond		Med & Safety Serv	40.15	Supp
Arbor Country	150.00	Maint		MES	1,706.39	Med
Arbor Mart	2,104.13	Fuel		Midlands Financial	875.00	Contr
AVAC	345.50	Contr		Midwest Breathing	476.31	Contr
Bernhardson, N	236.00	EMT		Midwest ROW	1,940.00	ROW
Bishop Plmbg	30.00	Rep		Miller Monroe	50.00	Ins
BKD	31,000.00	Contr		Moore Medical	818.64	Supp
Bob's Welding	235.60	Equip		Morrow, S	556.00	EMT
Boehm, B	36.00	EMT		MSR Group	5,100.00	Contr
Bohl Plmbg	63.00	Maint		Mullenax Auto	507.83	Rep
Bray, C	300.00	EMT		NC Comm Found	2,291.67	Contr
Carritt, K	250.00	EMT		NC Newspress	508.51	Dues
Casey, J	55.55	Mileage		NCTC	5,312.50	Contr
Casey's	111.94	Fuel		NE Dept Rev	6,129.56	Payroll
Cintas	180.75	Contr		NE Environmental	1,180.82	Supp
Citizen Prntg	135.00	Supp		NE Muni Clerk	35.00	Dues
Conz, G	100.00	EMT		NE Salt & Grain	1,429.31	Maint
Data Tech	217.19	Supp		NE Turfgrass	250.00	Dues
Davis, W	995.00	Legal		NEXTEL	230.03	Tele
Don's Johns	80.00	Supp		Nichols, J	184.25	Rec
Douglas Tire	1,196.83	Equip		Nichols, L	162.25	Rec
Easter Auctionee	100.00	Supp		Omaha Door	219.24	Rep
EMS Billing	114.39	Misc		Omaha Standard	629.09	Maint
Fastenal Co	25.08	Supp		O'Reilly Auto	12.49	Maint
Fire Protection	24.50	Equip		Orschelen	111.95	Rep
Fireguard	309.00	Equip		Otoe Co Clerk	283.75	Contr
Food Pride	6.15	Supp		Reg of Deeds	11.00	Deeds
Fouraker, H	546.00	EMT		Parks, G	72.00	EMT
GALLS	357.00	Unif		Petty Cash	70.96	Postage
Giittinger, D	48.95	Mileage		Powerplan	51.83	Equip
Grainger	52.74	Supp		Quy, S	500.90	Mileage
Hamlin, S	408.00	EMT		R & I Construction	450.00	Rep
Haverty, P	228.40	Mileage		Regal Awards	77.56	Misc
Heartland Class	53.37	Advert		Sat-Tech	50,000.00	Contr
Hogan, Jr., W	608.42	EMT		Scheideler, D	6.15	Postage
Hopkins Auto	64.00	Rep		Schemmer	3,400.00	ROW
Ideal Water	39.00	Contr		Schendel Pest	124.00	Pest Cntr
JEO	2,667.00	ROW		Schreiner, K	750.00	EMT
Johnny's Cycle	148.67	Equip		SE Health Dist	93.34	Supp
Jones, N	1,420.00	EMT		SEND D	10,060.42	Contr
Kastens, V	69.50	Mileage		Snodgrass, A	189.63	Mileage
Konica Business	263.73	Contr		Titan Machinery	155.74	Rep
Konica Premier	230.00	Contr		Tom's Radio	420.00	Contr
Kreifels Electric	581.95	Rep		Tree City Tees	570.10	Unif
Krog, A	250.00	EMT		Tricare	143.39	Med
Landis Engine	47.50	Rep		Tri-State Off	831.84	Supp
Larson Motors	931.70	Equip		US Tennis Assoc	35.00	Dues
LaRue Coffee	113.77	Supp		Verizon Wireless	301.72	Tele
Law Enforcement	53.00	Supp		Viox, A	321.75	Mileage
Leggio, Jr., W	1,150.00	EMT		Wages & Benefits	237,761.89	
Linweld	203.30	Supp		Watkins True V	82.99	Rep
Logan Contractors	6,237.45	Rep		Weible, B	108.00	EMT
Manley Brothers	867.58	Contr		Wielechowski, W	36.00	EMT
Marion, J	500.00	EMT		Wood Family	65.00	Fuel

Meeting adjourned at 7:26 p.m.

Arnold M. Ehlers, City Clerk