

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
December 19, 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 December 19, 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, 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 Mercer moved to approve the minutes of the December 5, 2011, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted AYE: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Joe Johnson provided the Council with the monthly City Administrator's Report. The Treasurer's Report showed a beginning balance on hand November 1, 2011 of \$1,379,876.94; revenues of \$660,587.96 and expenses of \$887,989.07; leaving a balance on hand November 30, 2011 of \$1,152,475.83 Mayor Hobbie asked that the reports be placed on file.

Moved by Commissioner Mercer and seconded by Commissioner Handy to add the postponed Confidentiality/Nondisclosure Agreement from the December 5, 2011 Council Meeting Agenda. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Motion passed. Tom Farrell and Rhea Gill addressed the Council on the idea behind the public art initiative. It was explained that whatever object or idea is chosen for the public art project that the City could use an image of the object on its webpage. The agreement was to protect Arts are Basic intellectual properties which include its guidelines and implementation directions. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the Confidentiality/Nondisclosure Agreement between Arts are Basic and the City of Nebraska City. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2547-11 to file liens for clean-up of nuisance properties. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2547-11. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2547-11

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA;

**WHEREAS**, Section 18-58, of the Code of Ordinances, Nebraska City, Nebraska provides that the City may have a lien upon real property for the mowing of weeds, grasses and worthless vegetation or clean up of litter, which under said Ordinance constitutes a nuisance; and,

**WHEREAS**, Notice to abate and remove such nuisance was given to each of the owner(s) and occupant(s) of the following described property(s) at least five (5) days prior to removal by the City of Nebraska City, Nebraska; and,

**WHEREAS**, The City of Nebraska City, Otoe County, Nebraska has mowed weeds, grasses, worthless vegetation or cleaned up the following described real estate, to-wit:

**920 1<sup>st</sup> Avenue, W $\frac{1}{2}$ S $\frac{1}{2}$  Lot 7 & W $\frac{1}{2}$  Lots 8 & 9; Blk 21; Nebraska City Proper, Nebraska City, Otoe County, Nebraska - \$157.47 003464500**

402 S. 12<sup>th</sup> Street, Lot 1; Block 17; Hail & Co. Addition; Nebraska City, Otoe County, Nebraska – \$107.03 002978000  
 402 9<sup>th</sup> Avenue, Lots 11 & 12; Block 95; Greggspport Add.; Nebraska City, Otoe County, Nebraska – \$201.98 005661500  
 1312 2<sup>nd</sup> Corso, Lot 9; Block 97; Nebraska City Proper; Nebraska City, Otoe County, Nebraska - \$101.98 005689000  
 910 4<sup>th</sup> Corso, E. ½ Lot 8, All Lot 9; Block 8; South Nebraska City; Nebraska City, Otoe County, Nebraska - \$152.32 001805500  
 801 7<sup>th</sup> Avenue, Lots 1 – 3 N. of Ry; Block 62; Greggspport; Nebraska City, Otoe County, Nebraska – \$61.59 005334500  
 524 7<sup>th</sup> Avenue, Lot 7; Block 84; Greggspport Addition; Nebraska City, Otoe County, Nebraska – \$243.20 005580500  
 612 4<sup>th</sup> Avenue, Lot 9; Block 62; Nebraska City Proper, Nebraska City, Otoe County, Nebraska - \$343.59 005340000

After failure of the owner(s) to abate and remove the same from said real estate; and

**WHEREAS,** the City of Nebraska City, Otoe County, Nebraska has incurred the cost relative to the mowing of weeds, grasses and worthless vegetation or cleaned up said real estate and,

**WHEREAS,** the City sent the property owner a bill for said cleanup which has not been paid, and

**WHEREAS,** the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

**WHEREAS,** 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.

**NOW THEREFORE BE IT RESOLVED,** that the City Clerk-Treasurer of Nebraska City, Nebraska is hereby authorized to file with the Otoe County Treasurer, Special Assessments for Improvements in the amount(s) and against the property(s) specified above, all located within Nebraska City, Otoe County, Nebraska.

Passed and approved this 19<sup>th</sup> day of December 2011.

\_\_\_\_\_  
 Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
 Arnold M. Ehlers, Clerk - Treasurer

Mayor Hobbie introduced Resolution 2546-11 approving Supplemental Agreement No. 1 with Schemmer Associates for additional engineering work on the Steinhart Park Trail Project. Moved by Commissioner Crunk and seconded by Commissioner Mercer to approve Resolution 2546-11. Upon roll call the following voted YES: Gay, Handy, Mercer, Crunk and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**SUPPLEMENTAL ENGINEERING SERVICES AGREEMENT NO. 1**

City of Nebraska City

**RESOLUTION 2546-11**

**Whereas:** The City of Nebraska City and The Schemmer Associates, Inc have previously executed a Preliminary Engineering Services Agreement 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 this Federal-aid project; and

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

**Be It Resolved:** by the City Council of the City of Nebraska City that;

Jack Hobbie, Mayor of the City of Nebraska City is hereby authorized to sign the attached Supplemental Preliminary Engineering Services Agreement, Supplement Number 1 between the City of Nebraska City and The Schemmer Associates, Inc.

The City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: ENH-66(34)

NDOR Control Number: 13055

NDOR Project Description: Nebraska City Steinhart Park Trail – Phase 2

Adopted this 19<sup>th</sup> day of December, 2011 at Nebraska City, Nebraska.

The City Council of Nebraska City:

Jack Hobbie, Mayor	Mark Mercer
Dean Handy	Jeff Crunk
Brett Gay	

Commissioner Handy moved the adoption of said resolution  
 Commissioner Crunk seconded the Motion.

Roll Call: 5 YES; 0 NO; 0 Abstained; 0 Absent.

Resolution adopted, signed and billed as adopted.

Attest:

\_\_\_\_\_

Leroy Frana, General Manager of Nebraska City Utilities presented the recommendation by the Board of Public Works to purchase a used 2011 Case 590 Super N Tractor/Backhoe in the amount of \$77,120.00 from Titan Machinery. Moved by Commissioner Gay and seconded by Commissioner Mercer to approve the purchase of the used Case 590 Super N Tractor/Backhoe. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana then presented the recommendation by the Board of Public Works to award a contract to Farabee Mechanical, Inc in the amount of \$325,750.00 for the installation of eight (8) diesel oxidation catalyst/silencer units. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the contract with Farabee Mechanical for the installation of eight oxidation catalyst/silencer units in the amount of \$325,750.00. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the discussion on the purchase of the Conrad Building located at 611 Central Avenue by the City to be used by high school students to operate an activity similar to Future Business Leaders of America. The Conrad Family representative would sell the building to the City at a reasonable price. Mayor Hobbie stated that the school administrators from both the public school and the parochial school were excited about the idea. Jim Kuhn who has volunteered in the restoration of other City owned property stated that his inspection did not reveal any significant issues that could not be addressed during renovation of the building. Commissioner Crunk asked about the costs to renovate and sprinkle the building and what current taxes were on the building. Joe Johnson answered that the engineer who inspected the building with him, the City Building Inspector and the Mayor estimated costs in the \$150,000.00 range. Commissioner Gay who had previously inspected the building felt that the building was ‘too far gone’ to be renovated. Commissioner Mercer added that he would like to see firm cost estimates before he could make a decision. Moved by Mayor Hobbie and seconded by Commissioner Mercer to postpone a decision on the purchase of the Conrad Building until engineers estimates can be provided. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the discussion on approving an administrative assistance contract with SENDD for the CDBG Grant awarded to the City for the rehabilitation of owner-occupied houses. Moved by Commissioner Gay and seconded by Commissioner Mercer to approve the contract with SENDD for Administrative Assistance for Owner Occupied Rehab CDBG Grant #11-HO-6038. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie then opened the agenda item: ‘Approve Mary Wallen resignation and agreement.’ Moved by Commissioner Mercer and seconded by Commissioner Gay to enter into closed session at 6:49 p.m. to discuss the resignation of Mary Wallen and the agreement regarding her resignation and for the protection of public interest and prevention of needless injury to the reputation of Ms. Wallen. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Motion passed. Mayor Hobbie stated: “For the protection of public interest and prevention of needless injury to the reputation of Ms. Wallen we now go into closed session to discuss the resignation of Mary Wallen and the agreement regarding her resignation. Council came out of closed session at 7:00 p.m.

Moved by Commissioner Mercer and seconded by Commissioner Gay to accept the resignation of Mary Wallen and approve the separation agreement. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Adkins Signs	250.00	Equip	Larson Motors	102.37	Equip
Alamar	32.85	Unif	LaRue Coffee	200.96	Supp
Allied Ins	100.00	Ins	Linweld	173.00	Med
Allied Refuse	176.58	Garbage	Lynn Peavey Co.	39.90	Supp
Arbor Day Found	25.00	Dues	Mead Lumber	9.27	Rep
Arbor Mart	2,412.10	Fuel	Menards	59.98	Tools
Asphalt Matrl	241.56	Maint	Mercer's	151.82	Supp
Baird Holm	4,080.50	Contr	Michael Todd	296.00	Equip
Barrett, K	25.00	Rfnd	Midwest Concrete	25.00	Rfnd
Beelner Srvce	630.00	Contr	Mullenax Auto	583.39	Rep
BKD	8,250.00	Contr	Nationwide	9,664.51	Inv
Bob's Welding	37.44	Rep	NC EMS Coop	75.00	Dues
Bohl Plumbing	20.31	Supp	NC Newspress	94.07	Advert

Bound Tree	268.52	Med	NC Utilities	39,587.95	Util
Callaway	20.49	Msde	NE Dept Rev	442.88	Sales Tax
Casey's	27.18	Fuel	NE Invest Finance	100.00	Dues
Cede & Co	217,602.50	Bond	NE Public Health	168.00	Contr
Century Lumber	43.68	Supp	NE State Treas	15.52	Contr
Channing Bete	81.95	Supp	NEDA Membership	100.00	Dues
Cintas	60.32	Contr	Olney, T	25.00	Rfnd
D&D Comm	170.65	Rep	O'Reilly Auto	141.15	Supp
Data Tech	1,793.74	Contr	Orscheln	184.17	Supp
Douglas Tire	1,193.95	Rep	Otoe Co Clerk	8,152.59	Contr
EMS Billing	3,711.14	Contr	Otoe Co Mutual Aid	40.00	Dues
Fastenal	352.27	Supp	Payroll	81,756.86	Payroll
Fire Protect Srvc	347.00	Contr	Police Chief Assoc	50.00	Dues
Fireguard	68.60	Contr	River City Investments	50.00	Rfnd
Food Pride	12.06	Conc	Schneider Elec	126.50	Rep
Fraternal Eagles	1,270.00	Conc	Shell	2,444.55	Fuel
Galls	457.35	Unif	Shelter Home Srvc	100.00	Rfnd
Harding & Shultz	2,522.64	Contr	Sirche Finger Print	85.70	Supp
HireRight	75.00	Med	State Chem Mfg	189.53	Supp
Hopkins Auto	6.49	Supp	Tim Engel Const	25.00	Rfnd
Ideal Pure Water	59.92	Contr	Tom's Radio	420.00	Contr
JEO	2,382.50	ROW	Tri-State Office	744.81	Supp
Johnny's Cycle	498.40	Rep	Turpel, R	42.25	Supp
Johnson, J	293.09	Mileage	Verizon Wireless	301.36	Tele
Jones Auto	6,324.42	Equip	Viox, A	275.84	Mileage
JP Cooke Co	84.58	Supp	VISA	727.71	Ammo
Knook & Kranny	2,300.00	Contr	Watkins True Value	346.47	Supp
Krav Maga Force	250.00	Trning	Windstream	2,352.33	Tele
Kreifels Conserv	15,801.83	ROW	Wood Family Fuel	686.00	Maint
Landis Engine	11.99	Supp	Zost, C	25.00	Rfnd

Meeting Adjourned at 7:05 p.m.

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Arnold M. Ehlers, 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.

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Arnold M. Ehlers, City Clerk-Treasurer