

CITY OF NEBRASKA CITY, NEBRASKA
 MINUTES OF CITY COUNCIL REGULAR MEETING
 February 2, 2015

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on February 2, 2015. 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: Jim Stark, Jeff Crunk, Vic Johns, Mindy Briley and Mayor Hobbie. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney David Partsch, and Public Properties Director/Zoning Director Dan Giittinger.

Crunk moved to approve the minutes of the January 19, 2015, City Council Regular Meeting, seconded by Briley. Stark asked that a question he asked at the January 19th meeting concerning the October 2014 Treasurer's Report be added to the minutes. Crunk moved to amend the original motion to include a transcription of the discussion on the \$1,000,000.00 typographical error in the Treasurer's Report seconded by Johns. Upon roll call the following voted YES: Stark, Crunk, Johns, and Briley. Voting NO: Mayor Hobbie. Moved by Briley and seconded by Johns to postpone the approval of the January 19, 2015 until the February 16, 2015 meeting for the transcription of the CD discussion. Upon roll call the following voted YES: Stark, Crunk, Johns, and Briley and mayor Hobbie. Voting NO: None. Motion carried.

Moved by Crunk and seconded by Briley to approve the minutes from the January 24, 2015 City Council Retreat. Upon roll call the following voted YES: Johns, Stark, Briley, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Briley moved to pay all claims as presented, seconded by Crunk. Upon roll call the following voted YES: Johns, Stark, Crunk, Briley and Mayor Hobbie. Voting NO: None. Motion carried.

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|--------------------|---------|-----------|----------------------|---------|-----------|
| A-1 Locksmith | Rep | 114.82 | Mercer's | Supp | 251.13 |
| Action Technology | Contr | 400 | Michael Todd | Supp | 3,641.87 |
| Adkins Signs | Advert | 100 | Mullenax Auto | Supp | 198.51 |
| Amer Recycling | Garbage | 122 | Nationwide | Inv | 12945.73 |
| Arbor Mart | Fuel | 1,563.47 | NC Clerk - Treasurer | Misc | 79.07 |
| AVAC | Misc | 69.09 | NC Museum | Contr | 2,406.25 |
| Arrow Manu | Equip | | NCTC | Contr | 6,250.00 |
| Arrow Manu | Supp | 58,300.00 | NE Enviro | Rep | 952.86 |
| Asphalt & Concrete | Supp | 295.24 | O'Reilly Auto | Supp | 27.46 |
| Bennett, R | Contr | 2,800.00 | Omaha Tractor | Rep | 1,225.20 |
| Berry | Advert | 22.6 | Orscheln | Supp | 21.25 |
| Bob's Welding | Rep | 158.45 | Otoe County Clerk | Contr | 571 |
| Bohl Plbg | Rep | 83.99 | Payroll | Payroll | 159208.03 |
| Bound Tree | Med | 1,632.54 | Pitney Bowes | Contr | 189 |
| Callaway | Mdse | 1,215.06 | Quill Corp | Supp | 121.94 |
| Citizen Print | Supp | 480 | Rice, R | Rfnd | 200 |
| City Directories | Supp | 175 | Schaulis, S | Dance | 5,920.59 |
| City of NC | Artist | 50 | Shelter Home | Rfnd | 25 |
| Douglas Tire | Rep | 276.9 | Snodgrass, A | Supp | 131.32 |
| Eakes Office | Supp | 42.42 | Spiral Comm | Contr | 369.99 |
| Earll, R | Med | 70 | Sportable Score | Equip | 710 |
| Eggers Bros | Rep | 284.3 | St. Mary's | Supp | 74.47 |
| Fireguard | Rep | 45.96 | St Mary's - CHI | Med | 33 |
| Grow Nebraska | Dues | 60 | Stutheit Impl | Rep | 276.32 |
| Guess, D | Rfnd | 100 | Thurman's Bike | Unif | 40 |
| J. Park, LLC | Rent | 900 | Tree City Tees | Unif | 466.75 |
| JEO | Contr | 2,175.00 | UHC | Ins | 2026.63 |
| KR Creative | Supp | 126 | Unifirst | Contr | 43.95 |
| Landing | Supp | 243.74 | Van Wall | Rep | 166.02 |

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|------------------|------|--------|----------------|------|--------|
| LoNM | Dues | 742 | Verizon | Tele | 377.49 |
| Lourdes Catholic | Rent | 115 | Watkins | Supp | 50.62 |
| Matheson | Supp | 155.57 | Wenzl Hardware | Supp | 20.85 |

Mayor Hobbie opened the discussion on the City Administrator's (CA) job description by saying he would like the (CA) job description be amended to read that the CA be under the supervision of the Mayor and direction of the Mayor and City Commissioners. Stark asked "Is that consistent with the commissioner form of government, or a strong mayor and council?" Mayor Hobbie answered: "It says direction of Mayor and City Commissioner's, it doesn't mean the commissioners don't have input into everything, I think somebody has to be the supervisor." Stark stated that he is ok with that, but the City Administrator works for five bosses. Stark continued: "one of the things I've been discouraged with in the last two years I have been on the council we are not asked for any input from the CA or input on (CA) evaluations or raise recommendations." I think we should. Mayor Hobbie: "I think you should, we talked about that at the retreat, communication, that goes two ways, if you want something in the personnel file I got an email address, I got a phone number. Stark: If somebody asks me how I think Joe, (unintelligible) if you are going to tell Joe the kind of job he's doing (unintelligible). . ask each of us about how our interaction has been with Joe for the last year, for some input. Mayor Hobbie: "And why wouldn't you offer that input during the year." Stark: "I thought you were doing the evaluation?" Mayor Hobbie: "You could ask." Stark: "I cannot ask every single question." Mayor Hobbie: "Well you do a pretty good job." Stark: "I try, but I'm running out of time." Mayor Hobbie: "I know the feeling. I would rather be moving this city forward than picking on this stuff." Stark: "The leadership comes from down there." (pointing at Mayor Hobbie) Mayor Hobbie: "You won't let me lead." Moved by Mayor Hobbie and seconded by Crunk to approve the City Administrator's Job Description with addition of the supervision of the Mayor and direction of the Mayor and City Commissioners and other suggestions. The City Attorney will update the job descriptions. Upon roll call the following voted YES: Briley, Johns, Stark, Crunk and Mayor Hobbie. Voting NO: None. Motion adopted.

Moved by Johns and seconded by Briley to approve the City Clerk & Treasurer's job description as amended. Upon roll call the following voted YES: Crunk, Stark, Briley, Johns and Mayor Hobbie. Motion carried.

Moved by Mayor Hobbie and seconded by Johns to postpone action on placing help-wanted ads, for City Administrator and City Clerk & Treasurer. Upon roll call the following voted YES: Briley, Stark, Crunk, Johns and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie moved agenda item #19 up for discussion and/or action due to time constraints of Crunk. Stark brought up concerns he had with reports submitted by the City Administrator. Several suggestions and concerns were addressed. Mr. Johnson will revise the October and November City Administrator's Reports and send them to the Mayor and Commissioners.

Kelly Bequette addressed the council requesting that the City act as a conduit for funds raised by a group of downtown businesses to place hanging flower baskets on Central Avenue light poles from 6th to 11th Streets. Ms. Bequette stated that a part-time position and equipment would be needed to water the baskets daily throughout the season. There are funds already raised and grants and donations applied for. Doug Grimm also spoke on the beautification project and showed the council a bracket he designed to use on the light poles. Moved by Mayor Hobbie and seconded by Stark to approve Ms. Bequette's request to approve the project, be a conduit for grants and donations and financially support the project as the city's budget will allow. Upon roll call the following voted YES: Briley, Johns, Crunk, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

Crunk left the meeting.

Leroy Frana, General Manager of Nebraska City Utilities and Shelly Stromp of KPMG presented the utilities department annual audit. Highlights of the presentation are: a cost of service study was completed for electric and natural gas departments with natural gas rates and electric rates being increased in 2014 and 2015, bonds totaling over \$3,810,000 were paid off, the wastewater treatment plant expansion was completed and the South Table Creek Bank Stabilization will be bid on Feb. 3rd.

Robyn Devore of BKD presented highlights of the Nebraska City Annual Audit. Tax revenues were up as well as fees charged for services provided by Nebraska City. Debt per \$100 of assessed valuation was .78 while other communities our size averaged \$1.88 per \$100 of valuation. The average property owner in Nebraska City owes \$363 for bonded capital improvements compared to \$898 in our peer group. Nebraska City has increased general fund reserves to 25% of our annual expenditures which is over the 2 months recommended by the State

of Nebraska. There was a discussion on cash accounting versus accrual accounting and estimated costs. Mayor Hobbie asked: "If we wanted to try to get rid of the Significant Deficiency would we have to hire or have a CPA on staff?" Devore: "Many small towns will outsource but for most of our clients we are preparing the financial statements." Stark: "I expected this audit to be the accrual process, there was an RFP presented in April. There was some changes made to the RFP document and you (Johnson) were to make those changes and bring to us." Mayor Hobbie then asked how many communities the size of Nebraska City use cash or accrual accounting. Ms. Devore answered that not many our size use accrual. Mayor Hobbie stated: "It is my understanding the move to accrual may require the valuation of assets you hold which can be in the hundreds of thousands of dollars. Ms. Devore: "Currently the streets, buildings and infrastructure those types of things are not carried on the financial statement and that can be very time consuming." Stark: "But ultimately the balance sheet and numbers can start building three, four, five years if (unintelligible) and kind of see where you're going without (unintelligible) . . . I think make it easier for someone sitting up here to understand the big picture not this year next year or the year after that."

Moved by Stark and seconded by Johns to accept the Nebraska City Utilities Annual Audit. Upon roll call the following voted YES: Briley, Johns, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Stark and seconded by Briley to accept the Nebraska City Annual Audit. Upon roll call the following voted YES: Johns, Briley, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance No. 2952-15 entitled: AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 1, PRAIRIE CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED HEREIN; AND DECLARING AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Stark seconded the motion to suspend the rules and upon roll call the following voted YES: Briley, Johns, Stark, 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 Stark. The Mayor then stated the question: "Shall Ordinance No. 2952-15 be passed and adopted?" Upon roll call the following voted YES: Briley, Johns, Stark 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 2952-15

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 1, PRAIRIE CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED HEREIN; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a request has been made that a portion of the alley in Block 1, Prairie City Addition to Nebraska City, Otoe County, Nebraska be vacated, and

WHEREAS, because of the location of said property, the Mayor and City Commissioners of Nebraska City have determined the City no longer has a need for the property described in Section 1 hereof other than for reservation of easements, and hereby approve the vacation of this particular portion of alley.

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

SECTION 1. That the portion of the alley running east-west in Block 1, Prairie City Addition to Nebraska City, Otoe County, Nebraska, from 12th Street to the east boundary line of the West ½ of Lot 7, Block 1, Prairie City Addition to Nebraska City, Otoe County, Nebraska, be and the same is hereby vacated, subject to all easements of record, this encompassing the alley immediately adjacent to the north of Otoe County Assessor parcel numbers 000508000 and 000508500.

SECTION 2. That the City of Nebraska City reserves the right to maintain, operate, repair, and renew public utilities existing; and there is reserved to the City, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at

the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 2nd day of February, 2015.

Jack Hobbie, Mayor

Leroy Frana presented the recommendation from the BPW to approve WO # 144 to install underground electric service to a new home and outbuilding located at 275 South 8th Road. Moved by Stark and seconded by Briley to approve WO #144 in the amount of \$17,362.02. Upon roll call the following voted YES: Johns, Briley, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie moved to postpone action on the recommendation from the golf car committee until the February 16th City Council meeting seconded by Stark. Upon roll call the following voted YES: Briley, Johns, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Meeting adjourned at 8:00 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