

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
March 16, 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 March 16, 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.

Acting Mayor Briley 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. Acting Mayor Briley then led in the Pledge of Allegiance. Upon roll call, the following answered present: Jim Stark, Vic Johns, and Mindy Briley. Absent: Jeff Crunk. The following City Officials were present: City Attorney David Partsch, City Deputy Clerk-Treasurer Emily Anthony, Interim City Clerk-Treasurer Jacqueline Smith, Police Chief David Lacy, Fire Chief Alan Viox, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Stark moved to approve the minutes of the March 2, 2015, City Council Regular Meeting seconded by Johns. Upon roll call, the following voted YES: Johns Stark, and Briley. Voting NO: None. Motion adopted.

Commissioner Johns moved to approve the minutes of the March 5, 2015 special city council meeting and seconded by Stark. Upon roll call, the following voted YES: Stark, Johns, and Briley. Voting NO: None. Motion carried.

Briley moved to pay all claims as presented, with the exception of line 4 of the Admin tab, 3<sup>rd</sup> line of claim, seconded by Stark. Upon roll call, the following voted YES: Johns, Stark, and Briley. Voting NO: None. Motion carried.

Action Technology	Contr	400.00	LINCOLN FINANCIAL	Ins	2699.09
American Recycling &	Garbage	244.98	Matheson Tri-Gas, Inc.	Sup	66.72
Arbor Mart, Inc	Fuel	1332.82	Mead Lumber	Sup	683.56
AVAC	Contr	72.00	Mercer's Do-It-Best	Sup	442.82
Asphalt & Concrete	Sup	135.42	Michael Todd	Sup	1563.00
BARAGARY CONSTR.	Rfnd	200.00	Microfilm Imaging	Contr	80.00
Richard D. Bennett, Jr.	Contr	2833.07	Mid-States Org. Crime	Dues	150.00
Berry	Advert	22.60	Miller Monroe Farrell	Ins	78763.33
Boatright, K.	Dance	571.50	Mullenax Auto Supply	Sup	763.91
Bohl P&H	Rep	79.70	Nationwide	Inv	13403.01
Callaway	Mdse	4034.07	Nebraska City Utilities	Util	6895.20
Capital Business	Contr	132.42	NCTC	Misc	430.00
Casey's General Stores	Fuel	59.90	NE Dept of Rev	Sls Tax	1121.97
CASS COUNTY KENO	Rfnd	200.00	O'Reilly Auto Parts	Sup	44.99
Christiansen's Painting	Cntr	1540.00	Orscheln	Sup	79.99
CITY OF NC	Grant	10000.00	Otoe County Clerk	Contr	4423.46
Coca-Cola Refreshments	Bev	326.98	Paper Tiger Shredding	SUP	35.00
D & K Products	Maint	105.00	Payroll	Payroll	81618.61
Double Eagle Distr.	Bev	250.85	PGA of America	Dues	40.00
Douglas Tire Co.	Rep	213.00	River View Pest Control	Pst Cntl	176.00
Eakes Office Solutions	Sup	62.10	RIVER'S END TRADING	Mdse	207.68
Eggers Brothers, Inc.	Sup	87.99	Shell	Fuel	1766.51
Ehlers, A.	Mileage	105.45	Smith, T.	Dance	290.00
EMS Billing Services, Inc	Cntr	3310.38	Tag's One Stop	Fuel	56.31
Fareway Stores, Inc.	Conc	95.02	Tielke's Sandwiches	Conc	72.03
Fastenal Company	Sup	44.15	Tom's Radio	Contr	900.00
Giittinger, D.	Mileage	74.02	Top Quality Glove	Sup	163.50
GUARDIAN	Ins	4003.43	Tree City Tees	Unif	38.74
HINCAPIE, JOSE	Rfnd	25.00	UHC	Ins	59760.60
Hourly CIO	Sftwre	100.00	Unifirst Corporation	Sup	43.95
Ideal Pure Water	Sup	66.42	Van Wall Turf	Rep	239.75
Jensen, E.	Dance	210.00	VERIZON WIRELESS	Tele	14.04
JEO Consulting Group	Contr	4217.50	Watkins True Value	Sup	99.03
KR Creative	Sftwre	40.00	Windstream, Inc.	Tele	1814.79
Larson Motors	Rep	913.25	ZEROFRICTION, LLC	Mdse	90.26

Briley reported on the Successor Mayor search. She anticipates appointing a Mayor at the April 6<sup>th</sup> City Council meeting. A deadline was set of March 24, 2015, and the candidates would be announced at that time. City Attorney David Partsch said the review of applications should be done by two Council members. Stark offered to assist Briley with the reviews. City Attorney Partsch also reminded the Council the importance of completing the selection process. Bill Moore felt all applications should already be in.

The Treasurer's Report of February 28, 2015 was read: City Cash & Reserve \$1,177,453.66, Total City Funds w/o Utilities \$ 3,049,744.16, Utilities Cash & Reserve \$15,580,228.32, Other Depository Banks \$40,786.34, Utilities Total Cash & Reserve \$15,621,014.66, a combined Total City of Nebraska City Funds \$18,670,758.82. Moved by Stark and seconded by Johns to accept Treasurer's Report. Upon roll call, the following voted YES: Johns, Stark, and Briley. Voting NO: None. Motion carried.

Alan Viox reported the Fitch & Associates FLSA plan was not received for today's meeting, but will be received by March 25, 2015. Briley and Stark will meet with Viox upon receipt of the report.

Chris Gress requested approval to hold the Farmers Market at the Memorial Building Parking Lot from May 7<sup>th</sup> through Sept. 10<sup>th</sup> 2015, and to have cones placed for no parking, picnic tables and banner. Moved by Briley and seconded by Johns to have the Farmers Market at the Memorial Building Parking Lot and provide the cones, tables and banner. Upon roll call, the following voted YES: Stark, Johns, and Briley. Voting NO: None. Motion adopted.

Gordon Andersen from City of Omaha presented an application for sludge from City of Omaha Waste Water Treatment Plant permit to be applied on land within Nebraska City zoning jurisdiction. Moved by Stark and seconded by Briley to grant the sludge permit. Upon roll call, the following voted YES: Johns, Stark and Briley. Voting NO: None. Motion carried.

Emily Anthony, presented revisions to the Nebraska City Employee Personnel Manual. Commissioner Stark commented on how helpful the changes have been. City Attorney Partsch will prepare a resolution for the April 6<sup>th</sup> meeting to possibly adopt the proposed changes.

Moved by Commissioner Stark and seconded by Briley to approve the request by Swim Team to keep the fees the same as last year. Upon roll call, the following voted YES: Johns, Stark, and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Briley and seconded by Johns to approve the request by Nebraska City Jaycees to use the two small baseball diamonds at Steinhart Park for their annual Egg Hunt on April 4, 2015 at 11 a.m. Upon roll call, the following voted YES: Stark, John, and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Briley to release the Special Assessment lien on Lots 26 & 27 Peterson Place City of Nebraska City, Otoe County, Nebraska, and authorize Briley to sign the same. Upon roll call, the following voted YES: Johns, Stark, and Briley. Voting NO: None. Motion carried.

David Ramold presented a request to install an unlocked gate across 62<sup>nd</sup> Road, at his property, too discourage unnecessary traffic. This gate will not interfere with the entrance to the police firing range. Moved by Stark and seconded by Briley to allow a gate at the David Ramold property and direct the City Attorney to draft a resolution for the next regular City Council meeting. Upon roll call, the following voted YES: Johns, Stark, and Briley. Voting NO: None. Motion carried.

Acting Mayor Briley introduced Resolution 2657-15 authorizing the Finance Commissioner to city banking, sign checks, purchase and redeem CD's. Moved by Stark and seconded by Johns to approve Resolution NO. 2657-15. Upon roll call, the following voted YES: Johns, Stark and Briley. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

**RESOLUTION NO. 2657-15**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA, that Mindy Briley, Finance Commissioner of the City of Nebraska City, Nebraska, be and is hereby authorized to draw checks, drafts, or other orders for the payment of

money on behalf of the City of Nebraska City and Nebraska City Utilities, on the accounts of Nebraska City, Nebraska, at American National Bank, Farmers Bank & Trust Co., First Nebraska Bank, Commercial State Bank, and Arbor Bank all in Nebraska City, Nebraska, and Farmers & Merchants Bank in Palmyra, Nebraska, Countryside Bank in Syracuse, Nebraska, First Bank of Nebraska in Syracuse, Nebraska and First Nebraska Bank in Unadilla, Nebraska, said banks are hereby authorized to honor the same.

BE IT FURTHER RESOLVED, that Mindy Briley, Finance Commissioner of the City of Nebraska City, be and is hereby authorized to purchase and redeem Certificates of Deposit on behalf of the City of Nebraska City, at the banks and institutions referred to above; is authorized to make deposits to the accounts of the City of Nebraska City at said banks; and is further authorized to mortgage, pledge, assign, endorse and deliver to said banks any assets of the City of Nebraska City, as security for all obligations of any kind of the City of Nebraska City to said banks, with full power to withdraw, exchange, and substitute other securities for those originally pledged.

BE IT FURTHER RESOLVED, that the powers and authority granted by this Resolution shall continue in full force and effect until notice in writing is given of the cancellation or modification thereof.

Passed and Approved this 16<sup>th</sup> day of March, 2015

Jim Stark	YES
Jeff Crunk	ABSENT
Vic Johns	YES
Mindy Briley	YES

APPROVED

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Mindy Briley, Acting Mayor

Acting Mayor Briley introduced Ordinance NO. 2954-15 for its second reading. Motion was made by Briley and seconded by Johns to approve Ordinance NO. 2954-15 on its second reading. Upon roll call, the following voted YES: Stark, John, and Briley. Voting NO: None. Motion approved.

Dan Giittinger presented the JEO Consulting Group proposed estimate for the Kearney Hill project, which is part of Phase 2 of the CIS grant, for a topographic survey and design. Mrs. Veda Bennett, a resident in the Kearney Hill Road project, asked why another survey was necessary? Dan Giittinger said a topographic survey of the road has not been done. Mrs. Bennett disagreed. Commissioner Stark asked if this could be checked. She was also concerned about the loss of so many Central Ave. parking spots. Ernest Glockel, a resident in the Kearney Hill Road project, thanked the Council for going forward with the paving project, and hoped the project could start soon, as they have waited many years for this to happen. Mrs. Alice O'Neill, a resident in the Kearney Hill Road project, joined the other residents to request a soon start date. She noted that dust is a major problem. Moved by Johns and seconded by Stark to pay for the JEO topographic survey and design bill. Upon roll call, the following voted YES: Stark, Johns, and Briley. Voting NO: None. Motion carried.

Chief Lacy reported within 4 days he will be losing 2 officers. He requested Acting Mayor Briley to send a letter to the Civil Service Board in advance of having new officers in place. A request from the Acting Mayor, could help in getting earlier testing and hearing dates.

Fire Chief Alan Viox presented the Nemaha NRD Multi-Jurisdictional Hazard Mitigation Plan. The plan needs to be approved by April 3, 2015. Dan Giittinger said if a hazard mitigation plan is not in place it could affect future FEMA funding. The plan was prepared by JEO. Moved by Stark and seconded by Johns, to approve the Hazard Mitigation Plan as presented. Upon roll call, the following voted YES: Johns, Stark, and Briley. Voting NO: None. Motion carried.

Meeting adjourned at 6:48 p.m.

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Jacqueline A. Smith, Interim 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

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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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Jacqueline A. Smith, Interim City Clerk-Treasurer