

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
February 17, 2014

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 17, 2014. 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jim Stark. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney David Partsch, Captain Lonnie Neeman, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the February 3, 2014, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Crunk, Mercer, Handy, 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: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

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

Mayor Hobbie appointed Bret Kochanowicz as an Explorer with the Nebraska City Fire and Rescue Department, seconded by Mercer. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the One and Six Year Street Improvement Plan. Evan Wickersham presented the One and Six Year Street Improvement Plan for the City of Nebraska City. Crunk asked if the park trail improvement on Steinhart Park Road in front of the high school would be started this year and if rain runoff has been considered. Dan Giittinger answered that the environmental is being done now but construction would not be likely to be started this year and Schemmer & Assoc. is designing the improvement and is taking into consideration drainage. Susan Bergman asked exactly which roads are in the plan. 4th Rue from 4th Terrace to 5th Terrace, 4th Terrace from 4th Rue to 5th Rue, 5th Rue from 5th Terrace to 6th Terrace, Kearney Hill Road from 10th Corso south to City Limit. Harvey Varenhorst asked "What if residents on 4th Rue do not want the street paved?" Nine out of eleven property owners do not want it paved as there will be increased traffic. All property owners would be contacted prior to a final decision on street improvement. Veda Bennett stated that being on the six year plan probably will not see it happen. Ernest Glockel supported paving Kearney Hill Road. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing for public input on the CIS Plan for potential CDBG projects. Jen Olds with SENDD provided additional information on the needs assessment surveys mailed to all residents in the target areas. Also two neighborhood meetings were held. A plan was developed using the information received from the surveys and meetings. If the state accepts the plan they will invite Nebraska City to submit projects for possible funding. Ms. Olds provided the timelines for submitting the applications. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided the monthly City Administrator's Report to the Council. The Treasurer reported a beginning cash balance on hand as of January I, 2014 of \$125,378.19, revenues of \$696,858.94, expenditures of \$432,803.28, leaving a cash balance on hand of \$389,433.85. Mayor Hobbie asked that the reports be placed on file.

Mayor Hobbie introduced Resolution 2622-14 adopting the One and Six Year Street Improvement Plan. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2622-14. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2622-14

The following resolution was introduced by Commissioner Handy, who moved its adoption, seconded by Mercer.

“**WHEREAS**, the City Street Superintendent has prepared and presented a One and Six Year Plan for Street Improvement Program for the City of Nebraska City, Nebraska and, **WHEREAS**, a public meeting was held on the 17th day of February, 2014, to present this plan and there was a discussion held with respect to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Nebraska City, Nebraska that the plans and data as furnished and/or modified are hereby in all things accepted and adopted.”

Passed and adopted this 17th day of February, 2014.

Upon roll call the vote is as follows:

Jim Stark	Absent
Jeff Crunk	Yes
Dean Handy	Yes
Mark Mercer	Yes
Mayor Jack Hobbie	Yes

ATTEST:

Arnold M. Ehlers, City Clerk - Treasurer

Leroy Frana presented some information the Nebraska City Utilities financial activities. Utility Department assets before depreciation were \$89,604,862.00. \$3,587,632.00 was spent on capital improvements in 2013. Utilities had \$11,716,228.00 in operating funds and a total of \$18,280,850.00 in cash on hand at the end of the fiscal year. Bond payments for 2014 are \$790,642.00 and \$820,693.00 for 2015. The BPW has recommended that Series 26 and 27 be called this spring. Year over year revenues are relatively static, but this is partially due to energy efficiency of customers furnaces and air conditioning, insulation and better windows. Shelly Stromp of KPMG provided an overview of the auditor’s, Board of Public Works and management responsibilities. Ms. Stomp stated that the auditor found no deficiencies in the utilities procedures. Also there was an overstatement of prior year unbilled revenue estimate.

Moved by Commissioner Handy and seconded by Crunk to accept the Nebraska City Utilities Audit. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Motion passed.

Chris Lindner of BKD presented the Independent Auditor’s Report of Nebraska City finances. Mr. Lindner explained the City’s audit does not include the Combined Utility Fund which creates a problem by not allowing the audit to be unmodified. Mr. Lindner covered highlights of the audit. One concern has always been ‘checks and balances’ within the administrative department. To remedy this concern would require additional staff which would significantly increase wages. Mr. Lindner explained that since Nebraska City Utilities is a department of the City of Nebraska City that grant funds pass through the City. Last year those funds were deposited directly to utility accounts and not addressed in the City’s audit as required. Therefore additional work needed to be done to remedy the omission which took considerable time. Mr. Lindner stated that there needs to be better communication between City Hall and the utilities department management. Mr. Lindner then presented the financial activities in the governmental fund which exclude the rescue department and community development fund. He illustrated that tax revenue has stayed relatively flat over the past few years and the mill levy has not increased at all. The last illustration showed that Nebraska City debt per capita is less than one half of other cities our size. No one had questions for Mr. Lindner. Moved by Commissioner Handy and seconded by Mercer to accept the Nebraska City Audit Report for fiscal year ending September 30, 2013. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Jen Olds presented the plan developed from the input provided by Nebraska City citizens through surveys and public meetings. There was a 28.8% response rate on 750 surveys mailed out. The plan identified these concerns/needs expressed by the citizens. Street improvements in the Kearney Hill area were a priority. The second project mentioned was water main improvement in the Kearney Hill area. Third was curb and sidewalk repair in the downtown area as well as

removal of architectural barriers to Nuckolls Park. Public opinion on sidewalk construction did not garner large support and additional public meetings would be held to get better consensus from property owners. Public facilities were addressed and respondents wanted the Memorial Building repaired and used. Kearney Hill Park was identified as needing total renovation including handicap accessibility. Housing was addressed with 80% of the respondents being homeowners and many needing repairs in excess of \$5,000.00. Another issue was down payment assistance. Included in the action plan was general cleanup of dilapidated properties. Infrastructure construction (water, sewer) was another area that is needed for housing and economic development. The grant will be worth up to \$250,000.00 per year to the City for improvements with those funds matched dollar for dollar by the Nebraska City. Moved by Commissioner Handy and seconded by Mayor Hobbie to approve the action plan. Upon roll call the following voted YES: Handy and Mayor Hobbie. Voting NO: Mercer and Crunk. Ms. Olds then asked if the Council would like to see the plan changed or revised. She informed the Council that approving the plan does not force the Nebraska City to go to Phase II. Mercer stated that he does not want to be tied to the matching funds requirement in this economy. Just stick with core services. Joe Johnson informed the Council that if we do not submit an action plan to the State the City will have to repay the State for the grant funds (\$9,500.00) already paid to the City. Mercer stated that he understands that the City is not committed to spend the grant money but he does not even want the door opened to the \$250,000.00. Ms. Olds informed the Council that there will be no need to bring Resolution 2621-14 up for a vote.

Ric Sevening read a statement describing the funding and erection of the scoreboard at Clemy Holmes Field. In the statement he stated that members of the baseball association were present due to concerns that the City was going to remove the sign "Home of the Pioneers" from the scoreboard. Mr. Sevening added that the baseball association has contributed over \$358,000.00 for the ball fields in Nebraska City. Mayor Hobbie asked if there was a sign permit obtained for the scoreboard and sign. Tom Bales stated that he discussed this with the Park Foreman and Public Facilities Director. The old scoreboard was not working and needed replaced. No one told the association that a permit was needed. Also other scoreboards have Coca Cola advertising on them. Scott Miller addressed the Council stating that it was not the baseball associations intent to upset anyone. Mr. Miller informed the Council that Lourdes High School and Nebraska City High School coop on a baseball team. Mercer stated that he had five Catholics talk to him about their concern that the sign does not represent Lourdes. Tom Bales added that no one is saying that anyone wants to change the name of Clemy Holmes Field but that the field is "Home of the Pioneers". Crunk offered to have the Street Department to take the sign down no charge and put it back up when the name has been changed. Crunk suggested that Clemy Holmes Field sign could replace the current sign at a cost of \$1,150.00. Crunk stated that he has had 20 people complain to him and not all were Catholic and many of those people are mad because so much of our tax money already goes to the schools and there is no money in the budget for this expense. Mercer stated that he would be willing to take funds out of cost reserve to replace the sign. Carl Abbott stated "The Quest Center in Omaha is the "Home of the Creighton Bluejays" the Pinnacle Arena in Lincoln is "Home of the Huskers". This is just saying this is where the Pioneers play their games. The baseball association would encourage better signage informing people that it is Steinhart Park and Clemy Holmes Field. This should be a community project to make it better not to divide the community. Sometimes there has to common sense. The Council is supposed to look at what the majority of the people want not what five phone calls want. I think we're picking on something pretty petty, with all due respect." Wayne Clark stated that it is a tragedy that Clemy Holmes is not better identified. Kermit Holmes has received several calls saying that the name of the field had been changed from Clemy Holmes Field but understands that many of those calling were not accurate. Tom Bales reiterated that the baseball association is not trying to change the name of the field. Mayor Hobbie asked if Clemy Holmes could be added at the bottom and was told no. But a sign could be added to the top. Crunk suggested that the "Home of the Pioneers" sign come down and "Clemy Holmes Field" put up and "Home of the Pioneers" on a plastic sign hung from the fence. Pat Holmes added that she and her husband would donate to a fund to place a sign above the "Home of the Pioneers" saying "Clemy Holmes Field". Moved by Commissioner Handy to leave the sign as is. Motion died for lack of a second. Moved by Crunk and seconded by Mercer that a sign be added to the top of the scoreboard "Clemy Holmes Field". Upon roll call the following voted YES: Handy, Mercer, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Lars Larson and Dan Gittinger addressed the Council requesting the City sell .26 Ac. to Larson Motors to eliminate an issue of encroachment by the car lot and new sign. There would be 39' on the east end of the R-O-W. The other option would be vacating the street and making Frontage Road a private drive for Larson Motors and Bishop Plumbing. Moved by Mercer and seconded by Crunk to sell .26 Ac of R-O-W for \$100.00 plus costs. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

David Ramold addressed the Council requesting a Special Designated License to sell liquor at a Knight of Columbus event on March 22, 2014. Moved by Commissioner Handy and seconded by Mercer to approve the request for a SDL by Knights of Columbus. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Jim Kuhn representing the Pool Committee asked the Council to approve the recommendation of the Pool Committee to award a contract to Aquatic Design Consultants, Inc. The committee sent out 13 Request for Qualifications and received 7 back. After reviewing each RFQ three finalists were interviewed and Aquatic Design Consultants was selected for recommendation. Mercer asked if a location had been determined. Mercer was concerned about traffic after school. Mr. Kuhn stated that the committee would have the firm look at three potential locations. Moved by Commissioner Handy and seconded by Mercer to approve Aquatic Design Consultants, Inc. as the firm to design and construct the new aquatic center. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

Arnold Ehlers explained the Cafeteria 125 Plan submitted by Discovery Benefits. Moved by Commissioner Handy and seconded by Mercer to approve the Cafeteria 125 Plan as presented. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2623-14 adopting the Nebraska City Cafeteria Plan. Moved by Commissioner Handy and seconded by Crunk to approve Resolution 2623-14. Upon roll call the following YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2623-14

ADOPTING RESOLUTION

The undersigned authorized representative of City of Nebraska City (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on February 17, 2014, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of Cafeteria Plan including a Health Flexible Spending Account and Dependent Care Flexible Spending Account effective January 1, 2014, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of City of Nebraska City Cafeteria Plan, and the Summary Plan Description approved and adopted in the foregoing resolutions.

Date: _____

Signature: _____
Jack Hobbie, Mayor

A-1 Locksmith	Rep	199.95	Midwest Machine	Rep	54.59
ACCO	Sup	270.00	Nationwide	Inv	16434.31
Adkins Signs	Sup	180.00	NC Utilities	Util	8617.56
Allied Recycling	Trash	166.06	NE Cemetery Assoc	Dues	40.00
Arbor Mart	Fuel	2851.10	NE Dept of Rev	Sls Tax	367.46
Arbor Outdoor	Equip	149.99	NE HHS	Dues	40.00
AVAC	Misc	273.00	NE Liquor Control	Dues	45.00
Assoc Fire Prot.	Contr	355.00	NPZA	Dues	295.00
Battery Zone	Sup	194.95	NE Salt and Grain	Chem	4424.04
Berry	Adv	186.20	Nebraska PGA	Dues	35.00
Bound Tree	Sup	156.42	NebWorks	Rep	140.00
Jenni Brant	Contr	160.00	O'Reilly	Sup	60.60
Brown's Shoe	Unif	267.50	Odey's	Sup	186.58
Callaway	Mdse	5494.78	Orscheln	Sup	44.34
Card Services	Misc	621.75	Otoe County Court	Misc	153.00
Casey's	Fuel	91.41	Paper Tiger	Trash	35.00

ChargePoint	Contr	640.00	Patton, C	Mileage	65.20
D & D Comm	Rep	176.36	Payroll	Payroll	86,367.64
Douglas Tire Co.	Rep	1101.50	PCS Mobile	Sup	49.00
Eggers Brothers	Sup	302.27	Purchase Power	Postage	400.00
EMS Billing	Contr	2695.02	Rick Vollman	Sup	731.00
Fireguard	Sup	35.98	River View Pest	Pst Cntrl	176.00
Gatehouse Media	Adv	1642.79	Schneider Electric	Rep	75.00
Giittinger, D	Mileage	335.88	Sendd	Contr	4224.62
Ideal Pure Water	Sup	24.42	Shell	Fuel	2702.22
J. PARK	Rfnd	200.00	Smith, M	Rfnd	200.00
Johnson, J	Mileage	185.27	SW Petroleum	Sup	602.28
Konica Minolta	Contr	176.17	St. Mary's	Sup	20.10
Kustom Signals	Sup	288.60	Stratus	Contr	2087.99
Landis	Rep	178.30	Top Quality Glove	Sup	250.50
Larson Motors	Rep	500.27	Tri-State Office	Sup	274.15
LaRue Coffee	Sup	52.23	UHC	Ins	56769.81
Law Enforcement	Sup	89.00	Unifirst	Sup	71.50
Matheson	Sup	225.65	Verizon	Tele	14.08
Mead Lumber	Sup	133.47	W-K Repair	Rep	140.00
Mercer's	Sup	552.13	Watkins	Sup	233.55
Microfilm Imaging	Contr	80.00	Windstream	Tele	2392.66
Midwest Farmers	Sup	90.00			

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