

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
March 3, 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 March 3, 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: Jim Stark, 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 David Partsch, Captain Lonnie Neeman, and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Handy moved to approve the minutes of the February 17, 2014, City Council Regular Meeting as corrected, seconded by Mercer. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Stark. Motion adopted.

Commissioner Mercer moved to pay all claims as presented, seconded by Commissioner Handy. Upon roll call the following voted YES: Stark, Handy, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Mayor appointed Deb Weddle to the Dock Board for a three year term, seconded by Mercer. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the \$25,000.00 grant request to repair the east roof of the Memorial Building. Stephanie Shrader informed the Council that the LB840 Citizen Advisory Review Committee approved the request for a \$20,000.00 grant to repair the east roof of the Memorial Building and \$5,000.00 purchase a dehumidifier. Ms. Shrader explained that there is \$448,487.00 in uncommitted LB840 funds. Joe Johnson added that it is difficult for staff to enforce buildings codes and vacant building ordinances when the City owns a property that the City does not maintain. City Attorney David Partsch echoed the same sentiment for his office. Mayor Hobbie stated that it is the City's responsibility to maintain City property. Stark asked "What is the bigger plan for the building?" Mayor Hobbie added that the failed bond issue two years ago proposed demolishing the buildings to the west for parking and renovate the building with a 'Cadillac plan'. The replacement roof would be a 'membrane' material. Dave Wilberger asked why we are using LB840 money that is supposed to be used to attract new businesses and that the Memorial Building is a dead horse. Veda Bennett stated that the Memorial Building is a historic building and should be restored as a remembrance to our veteran's and to citizens. Ted Beilman added that the bond election took place in a bad economy which is now changed and that a 'Chevy Plan' might pass now and the Memorial Building can be used once again. Darcy Carpenter echoed Ms. Bennett and Mr. Beilman in support of restoring the Memorial Building and noticed that other communities have community centers and Nebraska City has none. She went on that this building was meant to honor veterans and that is a sacred thing. Vic Johns stated that the City cannot enforce building codes with the Memorial Building in its current condition and that he has shown the Memorial Building to prospective buyers. Mr. Johns added that there should be a public / private partnership to restore the Memorial Building like the current effort for Arbor Lodge. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Andrew Snodgrass was unable to present the EMS Division's Annual Activity Report. Report is postponed until the next meeting.

Mayor Hobbie introduced Resolution 2624-14 approving the grant for Memorial Building roof repairs. The City Clerk read Resolution aloud. Moved by Mayor Hobbie and seconded by Commissioner Handy to approve Resolution 2624-14. Stark stated that before anything is done to the Memorial Building a study should be done and a comprehensive concept of what we should do be prepared. Stark added that when he previously served as Street Commissioner 12 years ago the Memorial Building was heavily subsidized then and currently we have many City functions that are heavily subsidized and our budget now is tight. "If we approve this where do we stop?"

Crunk asked “What happened to the individual who was going to donate money for the roof?” Mayor Hobbie answered the money did not come through. Crunk wondered “Who submitted this application to LB840 (For the grant)?” “Something like this should have come before the City Council.” Mayor Hobbie asked Crunk if he wants to demolish the Memorial Building at the cost of approximately one million dollars. Our choice is to keep the building up or demolish. Crunk then said “We need to knock it down.” Upon roll call the following voted YES: Handy and Mayor Hobbie. Voting NO: Stark, Mercer and Crunk.

Gordon Andersen from the City of Omaha presented two Land Application of Sludge from the City of Omaha Waste Water Treatment Plant permit applications to apply sludge within the Nebraska City zoning jurisdiction. Mr. Andersen informed the Council that even though these permits have been in place for a number of years, no sludge was applied in 2013 within Nebraska City’s zoning jurisdiction. Moved by Commissioner Handy and seconded by Crunk to approve the Sludge Permits for the City of Omaha. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Jeff Walters requested parking be allowed on both sides of Steinhart Park Road from Central Avenue to Centennial Rd. on March 16, 2014 for a Junior Wrestling Tournament. Moved by Handy and seconded by Crunk to approve the request to allow parking on both sides of Steinhart Park Road north of Central Avenue. Upon roll call the following voted YES: Crunk, Stark, Handy, Mercer, and Mayor Hobbie. Voting NO: None. Motion passed.

Tracy Tyson presented a request on behalf of the Nebraska City Fast Pitch Softball Assoc. to allow a one day beer garden on April 26, 2014 at the Softball Complex as a fund raiser to help fund a building at the Softball Complex. Joyce Voyles asked who carries the liability insurance for this event. City Attorney Partsch answered that the City’s liability insurance covers activities on City property. Moved by Handy and seconded by Mercer to approve the request to have a beer garden at the Softball Complex on April 26, 2014. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Tammy Maybee submitted a Special Designated License (SDL) application to sell beer at the Softball Complex on April 26, 2014. Moved by Commissioner Handy and seconded by Crunk to approve the SDL for Tammy Maybee. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana presented a recommendation from the BPW to approve Work Order #268 replacing a 2” Gas Main from 6th Street at 13th Avenue to near the entrance of Riverview Park in the amount of \$30,337.47. Moved by Stark and seconded by Commissioner Handy to approve Work Order #268 replacing 2” gas main from 6th Street and 13th Avenue to the entrance of Riverview Park. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana presented a recommendation from the BPW to call Series 26 bond to save over \$42,000.00 in interest costs over the next three years. Moved by Stark and seconded by Commissioner Handy to approve calling Series 26 Bond. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2625-14 calling Series 26 Bond. The City Clerk read the Resolution 2625-14 aloud. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2625-14. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2625.14

A RESOLUTION CALLING THE OUTSTANDING COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES NO. 26, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$1,175,000 OF THE CITY OF NEBRASKA CITY, NEBRASKA.

BE IT RESOLVED AND ENACTED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the following bonds of the City, in accordance with their option provisions, are hereby called for payment on April 16, 2014, after which date interest on the bonds will cease:

Combined Utilities Revenue Refunding Bonds, Series No. 26, dated April 16, 2009, in the principal amount of \$1,175,000, maturing and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
\$380,000	March 1, 2015	639610 AX2
405,000	March 1, 2016	639610 AY0
190,000	March 1, 2017	639610 AZ7

200,000

March 1, 2018

639610 BA1

Section 2. These bonds are to be paid at the office of the City Treasurer in Nebraska City, Nebraska, as Paying Agent and Registrar.

Section 3. A true copy of this Resolution shall be filed by the City Clerk with the Paying Agent at least thirty (30) days prior to call date and the Paying Agent is hereby irrevocably instructed to take appropriate action to mail notice to the registered owner at least thirty (30) days prior to the call date.

PASSED AND APPROVED this 3rd day of March, 2014.

By _____
Jack Hobbie, Mayor

Leroy Frana presented a request from the BPW to approve a Natural Gas Rate increase of approximately 2% April 1, 2014 and another 2% on April 1, 2015 and an Electric Rate increase of approximately 3.2% on October 1, 2014 and another 3.2% on October 1, 2015. Joe Johnson stated that the increase for the average residential customer will be \$69.20 per year. Moved by Stark and seconded by Mercer to approve the Natural Gas and Electric Rate adjustments and have ordinances prepared for the next meeting. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to the Comprehensive Investment and Stabilization Citizens Action Plan for infrastructure improvements to Kearney Hill and downtown area. Jen Olds presented the revised CIS Action Plan. The Memorial Building was removed as a tax funded activity from the three year plan. Commissioner Mercer stated that he did not want any City funds used to improve the North Industrial Site and make that change in the Action Plan. Joe Johnson stated that one possibility of these funds might be using \$250,000.00 as a carrot to encourage a private individual to purchase the Memorial Building. Also foundations could be asked to provide the match for park projects. Moved by Mercer, seconded by Commissioner Handy to approve the CIS Action Plan as modified with no City funds used for the north Industrial Site nor the Memorial Building except for the possibility of enticing a buyer. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2621-14. City Clerk read Resolution 2621-14 aloud. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2621-14. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true and correct copy of said resolution is as follows:

RESOLUTION 2621-14

**A RESOLUTION OF THE NEBRASKA CITY, CITY COUNCIL
APPROVING THE COMMUNITY DEVELOPMENT BLOCK
GRANT COMPREHENSIVE INVESTMENT AND
STABILIZATION ACTION PLAN.**

WHEREAS, the City has implemented a Community Needs Assessment project for a Low to Moderate Income target area within the City limits in the Downtown and North Table Creek and Kearney Hill Neighborhoods also identified as Census Block Group Numbers NE0011253 and NE0011250, respectively;

WHEREAS, the data from a needs assessment survey along with a neighborhood meeting and infrastructure assessment has been utilized to develop an action plan for the target area;

WHEREAS, The Mayor and City Council of the City of Nebraska City, in regular session assembled at the Nebraska City, City Hall, 1409 Central Ave, on this 3rd day of March, 2014 hereby resolve as follows:

NOW THEREFORE: BE IT RESOLVED that the Mayor and City Council approve the attached action plan for potential and future projects within the target area should funding become available

Passed and Approved this 3rd day of March, 2014

Jack Hobbie, Mayor

Mayor Hobbie presented a lease for consideration for a Dance Studio to be temporarily operated through the City's Recreation Department. Kelli Jensen provided additional information on number of students, instructors and classes. Moved by Commissioner Handy and seconded by Crunk to approve the lease for the Dance Studio. Upon roll call the following voted YES: Stark, Crunk and Handy. Voting NO: None. Abstain: Mercer and Mayor Hobbie. Motion passed.

Moved by Crunk and seconded by Stark to waive the rent fee on Shelter #1 on April 20, 2014 for the United Methodist Church. Upon roll call the following voted YES: Handy, Mercer, Stark, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Action Contr.	Misc	4000.00	Lincoln Financial	Ins	2421.21
AETNA	Rfnd	750.81	Matheson	Sup	45.23
Allied Insurance	Ins	100.00	MCCS	Dues	277.98
Angus, C	Mileage	124.94	Mead Lumber	Sup	240.51
Arbor Mart	Fuel	1483.25	Midwest Farmers	Sup	33.70
Arrow Manuf	Rep	48.73	Mullenax	Sup	140.11
Asphalt & Concrete	Sup	167.14	Nationwide	Inv	74844.03
Bound Tree	Sup	492.88	NC Treasurer	Misc	81.36
Brownville Village	Adv	50.00	NC Museum Assoc	Contr	2406.25
Callaway	Msde	154.10	NCTC	Contr	6250.00
CDA	Misc	4000.00	NE Salt and Grain	Chem	1542.35
Citizen Printing	Adv	740.00	O'Reilly	Sup	49.26
Cornhusker Intl	Rep	61.88	Omaha Tractor	Sup	402.30
D & D Comm	Sup	404.00	Orscheln	Sup	180.79
Douglas Tire	Rep	78.00	County Clerk	Contr	2193.00
Eggers Brothers	Sup	1001.00	Payroll	Payroll	95699.91
Fastenal	Sup	4.25	PCS Mobile	Sup	151.00
FBINAA	Dues	250.00	Pite, D	Contr	170.75
Fire Protection	Rep	300.30	SEND D	Contr	6543.54
Fireguard	Rep	514.84	St. Mary's	Sup	165.00
Friedli, P	Mileage	70.00	Strong, M	Contr	154.25
Gatehouse	Adv	149.96	Titan Machinery	Equip	56000.00
Guardian	Ins	3395.42	Tom's Radio	Contr	900.00
J. Park, LLC	Rent	900.00	Tri-State Office	Sup	213.72
Jensen, C	Contr	55.25	USPS	Rep	34.52
Jensen, J	Contr	100.00	Verizon	Tele	384.67
Jones Auto	Equip	8154.25	Wage Works	Contr	72.00
Konica Minolta	Contr	245.00	Warner, M	Rfnd	40.00
Landis	Sup	2.95	Watkins	Sup	119.61
LaRue Coffee	Sup	55.36	Woodhouse	Rep	93.89

Meeting adjourned at 7:50 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