

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
March 4, 2013

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 March 4, 2013. 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 William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Mercer moved to approve the minutes of the February 18, 2013, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Moved by Commissioner Handy and seconded by Mercer to approve the Plumber's License for Frontier Mechanical, LC. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Mercer to approve the electrician's permit for LG Electric. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy, and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie proclaimed the week of March 11-17, 2013 as MS Awareness Week. There to accept the proclamation were; Lisa Wagner, Susan Cropp and Tara Gowing.

Mayor Hobbie opened the Public Hearing on a grant request to use \$5,490.00 of LB840 funds to print city maps and visitor's guides for Nebraska City Tourism and Commerce. Stephanie Shrader informed the Council that the maps and guides were a valuable tool used to provide directions and information about Nebraska City to visitors and businesses interested in locating to Nebraska City. Ms. Shrader added that the funds along with the match would print 10,000 maps and 7<000 guides which should last 14 – 16 months. No one else spoke in support or opposition to the request. Moved by Mercer and seconded by Commissioner Handy to close the Public Hearing. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2900-13 entitled AN ORDINANCE TO AMEND SECTION 24-91 OF THE CODE OF THE CITY OF NEBRASKA CITY, REGULATING THE SALE AND DISCHARGE OF PERMISSIBLE FIREWORKS; PROVIDING FOR A LICENSE FEE; REGULATING DATES OF SALE; PROVIDING RULES AND REGULATIONS; PROVIDING FOR PUBLIC EXHIBITIONS; TO REPEAL THE ORIGINAL SECTION 24-91; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Stark, Crunk, Handy 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 Handy. The Mayor then stated the question: "Shall Ordinance No. 2900-13 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy 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 NO. 2900-13

AN ORDINANCE TO AMEND SECTION 24-91 OF THE CODE OF THE CITY OF NEBRASKA CITY, REGULATING THE SALE AND DISCHARGE OF PERMISSIBLE FIREWORKS; PROVIDING FOR A LICENSE FEE; REGULATING DATES OF SALE; PROVIDING RULES AND REGULATIONS; PROVIDING FOR PUBLIC EXHIBITIONS; TO REPEAL THE ORIGINAL SECTION 24-91; AND TO DECLARE AN EFFECTIVE DATE.

Be It Ordained by the Mayor and Council of the City of Nebraska City, Nebraska:

Section 1. That Section 24-91 of the Code of the City of Nebraska City be and is hereby amended to read as follows:

“Sec. 24-91. Fireworks: Sale; permissible; license; time of sale; rules and regulations; public exhibitions.

- (a) It shall be unlawful for any person, association, partnership or corporation to have possession of, for sale or for any other purpose, to offer for sale, or to use, within the corporate limits of the City of Nebraska City, Nebraska, any fireworks of any kind, except as defined as consumer fireworks by R.R.S. Supp. 2012, § 28-1241 (6)(a), and except as defined as a display fireworks by R.R.S. Supp. 2012, § 28-1241 (7).
- (b) **Fourth of July Fireworks.** Consumer fireworks shall be used, or sold at retail, only between June 24 and July 5 of each year. During such dates, it shall also be unlawful to use any consumer fireworks within the corporate limits of the city between the hours of midnight and 6:00 a.m. of any day. It shall be unlawful for any person, association, partnership or corporation to sell, hold for sale or offer for sale any consumer fireworks in the city, unless such person shall first make application to the city clerk for a license to sell consumer fireworks at retail. Each application shall be accompanied by a license fee of two hundred fifty dollars (\$250.00) for a local (within the city’s corporate limits) non-profit organization and one thousand dollars (\$1,000) for a retail vendor or organization. Seventy-five percent (75%) of all fees collected shall be allocated annually to the Nebraska City Fourth of July fireworks show.
- (c) **New Year’s Fireworks.** Consumer fireworks shall be used, or sold at retail, only between December 30 and January 1 of each year. During such dates, it shall also be unlawful to use any consumer fireworks within the corporate limits of the city between the hours of 10:00 p.m. and 7:00 a.m. of any day, except for the hours between 11:00 p.m. on December 31 and 1:00 a.m. on January 1. It shall be unlawful for any person, association, partnership or corporation to sell, hold for sale or offer for sale any consumer fireworks in the city, unless such person shall first make application to the city clerk for a license to sell consumer fireworks at retail. Each application shall be accompanied by a license fee of twenty-five dollars (\$25.00) for a local (within the city’s corporate limits) non-profit organization and fifty dollars (\$50.00) for a retail vendor or organization. Seventy-five percent (75%) of all fees collected shall be allocated annually to the Nebraska City Fourth of July fireworks show.
- (d) The license shall be good for only the calendar year in which issued.
- (e) Each application for a consumer fireworks license must be approved by the chief of the fire department, and each fireworks stand must meet the following requirements:
 - (1) All retail sales of permitted fireworks shall be permitted only from within a temporary consumer fireworks stand, and the sale of fireworks from any other building or structure is hereby prohibited.
 - (2) No consumer fireworks stand shall be placed or located on a public right-of-way.
 - (3) Each consumer fireworks stand shall be provided with a least one (1) of the following five-pound (5#) fire extinguishers: CO2, or ABC type, in good working order and shall be easily accessible for use in the event of a fire.
 - (4) "No smoking" signs shall be prominently displayed in four-inch letters, both inside and outside the consumer fireworks stand. No person shall smoke or burn any cigarettes, cigars, pipes, or any combustible material, within such consumer fireworks stand or within a distance of twenty (20) feet surrounding such stand.
 - (5) Local emergency telephone numbers, 911 or 402-873-3900, shall be posted in letters at least four (4) inches high and shall be in plain view.
 - (6) All unsold stock and accompanying litter, shall be removed from the location by 5:00 o'clock p.m. on the 5th day of July and on the 2nd day of January, and shall be returned to the wholesaler or disposed of in an appropriate manner.
- (f) Any public exhibition or display of fireworks under the provisions of Section 28-1239.01, R.R.S., Reissue of 1995, must have submitted on forms supplied by the city clerk, a written application by the sponsoring organization to the mayor and council for their approval at least four (4) weeks prior to the date of the proposed public exhibition or display; and further, the application shall first be approved by the chief of the fire department in writing before being granted, and if granted, said permit shall provide, among other things, that said display shall be under the direct supervision and control of said chief with regard to all details affecting fire and safety hazards. No permit will be granted until evidence has been submitted to the city clerk showing that the state fire marshal has issued a state permit to conduct a public exhibition or display of fireworks as provided in Section 28-1239.01 R.R.S., Reissue of 1995. Said application shall be accompanied by an assurance that if the license is issued, the applicant shall, at the time of receipt of said license, deliver to the City Clerk's office, a Certificate of Liability insurance with minimum coverage's of one hundred thousand dollars (\$100,000.00)/three hundred thousand dollars (\$300,000.00) public

liability and one hundred thousand dollars (\$100,000.00) property damage designating said city, as the owner of record, and any lessee or tenant as additional assured thereunder.

Section 2. That the original Section 24-91 of the Code of the City of Nebraska City, and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

Passed and Approved this 4th day of March, 2013.

Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2590-13 approving the grant request from NCTC for \$5,490.00. Moved by Commissioner Handy and seconded by Commissioner Stark to approve Resolution 2590-13. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2590-13
TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY ECONOMIC
DEVELOPMENT PROGRAM (LB840)**

WHEREAS, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,

WHEREAS, Program funds for Economic Development are allowed to be used for making grants for spurring downtown revitalization, the attraction of new capital investment through business development and to promote tourism in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

WHEREAS, the City of Nebraska City Economic Development Plan has previously been adopted, and,

WHEREAS, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible entity for a grant of \$5,490.00 under specified conditions, and,

WHEREAS, the City Council of Nebraska City conducted a public hearing upon the proposed use of Economic Development Program funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the grant project for **“Nebraska City Tourism and Commerce”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 4th day of March, 2013 by the Mayor and Council of the City of Nebraska City, Nebraska.

Jack Hobbie, Mayor

Duane Smith addressed the Council on the need for a Handicap parking stall in front of the Kregel Windmill Museum. Moved by Commissioner Stark and seconded by Commissioner Handy to direct the City Attorney to draft an ordinance creating a handicap parking stall on the north side of Central Avenue first stall east of 15th Street. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie presented the request by Karen Houser of Lied Lodge to allow parking on the south side of Sylvan Road across from the Lodge on April 27th from 6 – 11 p.m. Moved by Mercer and seconded by Commissioner Stark to allow parking on the south side of Sylvan Road on April 27th from 6 – 11 p.m. Upon roll call the following voted YES: Handy, Crunk, Stark, Mercer and mayor Hobbie. Voting NO: None. Motion passed.

Mark Francois addressed the Council requesting that parking be allowed on both sides of Steinhart park Road from Central Avenue to Arbor Road on March 10th for a youth wrestling tournament. Moved by Commissioner handy and seconded by Crunk to allow parking on both sides of Steinhart Park Road from Central Avenue to Arbor Road on march 10th. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Arnold Ehlers explained the process needed when a property owner pays the lien filed against a property when the City performs clean-up work that the owner did not pay within a fair time period. Moved by Mercer and seconded by Commissioner Handy to approve the Release of Lien against 522 N. 16th Street. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie Voting NO: None. Motion passed.

Moved by Mercer and seconded by Commissioner Handy to approve the release of Lien against 417 3rd Corso. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and mayor Hobbie. Voting NO: None. Motion passed.

A&M Green Power	Supp	12.45	Matheson Tri-Gas	Supp	90.86
Action Tech Serv	Contr	400.00	Mead Lumber	Supp	22.90
Alamar Uniforms	Unif	107.43	Microfilm Imaging	Contr	80.00
Allied Insurance	Dues	100.00	Midwest Farmers	Supp	35.40
Arbor Mart, Inc	Fuel	3778.97	Miller Monroe	Dues	53.34
AVAC	Misc	137.07	Moyer, S	Rfnd	100.00
Best Buy Business	Supp	89.49	Mullenax	Supp	465.93
BKD	Contr	10500.00	Nationwide	Inv	17085.00
Bohl Plumbing	Rep	86.95	NC Clerk - Treasurer	Misc	101.53
Bound Tree	Supp	153.14	NC Museum Assoc.	Contr	2406.25
BSN Sports	Supp	425.77	NCTC	Contr	5416.67
Callaway Golf	Msde	185.84	NE Cemetery Assoc	Dues	40.00
Casey, J	Mileage	51.42	NEHealth & Human	Dues	40.00
Cintas Corporation	Supp	59.98	Secretary of State	Dues	30.00
Commercial State	Loan	22780.92	Nebraska PGA	Dues	50.00
Ed M. Feld Equip	Rep	940.00	O'Reilly	Supp	106.64
Fire Protection Svcs	Contr	227.00	Orscheln	Supp	100.41
Fireguard	Rep	126.47	Otoe County Clerk	Contr	992.00
First Class Flowers	Misc	30.00	Payroll	Payroll	152434.85
Food Pride	Supp	7.38	Pine Valley Eco	Supp	868.01
Foth Infrastructure	Contr	3237.50	Police Chiefs Assoc	Dues	50.00
Gatehouse Media	Advert	147.23	Sicard	Rep	333.58
Giittinger, D	Mileage	579.44	Stutheit Impl	Supp	11.16
Hopkins	Supp	9.99	Teten, J	Unif	138.84
Hotsy Equipment	Supp	136.88	Titan Machinery	Supp	143.72
JEO	Contr	155.00	Tri-State Office	Supp	237.54
Knook & Kranny	Contr	2300.00	USPS	Stamps	46.00
Konica Minolta	Contr	245.00	Van Wall Turf	Contr	324.40
Kreifels Electric	Rep	758.00	Verizon	Tele	568.44
Landis Engine Co	Supp	55.95	Wage Works	Contr	72.00
LaRue Coffee	Supp	492.09	Watkins	Supp	276.04

Meeting adjourned at 6:24 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