

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
March 7, 2011

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 the 7<sup>th</sup> day of March, 2011. 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: Brett Gay, Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. The following City Officials were present: City Administrator Pat Haverty, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger. Media present: Nebraska City News-Press and KNCY.

Moved by Commissioner Mercer seconded by Commissioner Gay to approve the minutes of the February 21, 2011 City Council Regular Meeting. Upon roll call the following voted Yes: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted and adopted.

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

Moved by Commissioner Mercer and seconded by Commissioner Crunk to approve the Plumbers' License for Bradley Spohrase. Upon roll call the following voted YES: Handy, Gay, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Moved by Mayor Hobbie and seconded by Commissioner Mercer to approve the appointment of Dick Rhinehart to the Airport Authority. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Moved by Mayor Hobbie and seconded by Commissioner Handy to approve the appointment of Marliss Miller to the Dock Board. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy, and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Moved by Mayor Hobbie and seconded by Commissioner Mercer to approve the appointment of Myron Hahn to the Dock Board. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Moved by Mayor Hobbie and seconded by Commissioner Handy to approve the appointment of Heidi Rosane to the Civil Service Commission. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Pat Haverty reported on the resumption of the 11<sup>th</sup> Street Widening Project. when the weather improves. The detour will now be moved to 13<sup>th</sup> Street from 10<sup>th</sup> Street. Haverty reminded the Council that the ballots have been mailed out for the Memorial Building Bond Issue and are to be returned to the County Clerk by March 15<sup>th</sup>. Mayor Hobbie accepted the report.

Mayor Hobbie introduced Resolution 2506-11 revising the 2-hour parking district in downtown. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2506-11. Upon roll call the following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2506-11**

**WHEREAS**, Ordinance No. 2071-89, which was enacted on March 6, 1989, adopted a plan for regulating the parking of motor vehicles in the Central Business District of Nebraska City, and further provided that the Police Department post signs within the area designed by the Mayor and Council, from time to time, for the regulation of parking, and

**WHEREAS**, the Mayor and Council have determined that the area where two hour parking shall be enforced shall be limited to the following streets: Central Avenue from 6<sup>th</sup> Street to 12<sup>th</sup> Street on both sides of the street; 6<sup>th</sup> Street from 1<sup>st</sup> Corso North to the alley in Block 7, Nebraska City Proper, on the West side of the Street; 6<sup>th</sup> Street from Central Avenue North one half block on the East side of the street; 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> Streets from 1<sup>st</sup> Corso North to 1<sup>st</sup> Avenue on both sides of said streets; 10<sup>th</sup> Street from the service entrance to the Court House North to 1<sup>st</sup> Avenue on both sides of 10<sup>th</sup> Street; and

**WHEREAS**, the Mayor and City Council have also determined that the Police Department be directed to post signs in the Blocks designated above and such signs shall provide that such parking regulations shall be

effective between the hours of 9:00 a.m and 5:00 p.m., Monday through Friday, excluding legal holidays, as may be designated by the Mayor and Council; and

**WHEREAS**, the penalties for the violation of said parking regulation, as provided in Section 6 and 7 or Ordinance 2071-89, shall remain in full force and effect.

**NOW THEREFORE**, Be It Resolved by the Mayor and City Council, of the City of Nebraska City, Nebraska:

Section 1. That the parking of motor vehicles on the following streets in Nebraska City be limited to two hours, to-wit: On Central Avenue from 6<sup>th</sup> Street to 12<sup>th</sup> Street, on both sides of the street; 6<sup>th</sup> Street from 1<sup>st</sup> Corso North to the alley in Block 7, Nebraska City Proper, on the West side of the Street; 6<sup>th</sup> Street from Central Avenue North one half block on the East side of the street; 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> Streets from 1<sup>st</sup> Corso North to 1<sup>st</sup> Avenue on both sides of said streets; 10<sup>th</sup> Street from the service entrance to the Court House North to 1<sup>st</sup> Avenue on both sides of 10<sup>th</sup> Street.

Section 2. That the Police Department shall be responsible to post signs on such Streets to clearly indicate that parking is limited to a period of two hours between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday of each week, excluding legal holidays as designated by the Mayor and City Council of the City of Nebraska City.

Section 3. That the penalties for violation of the parking ordinances are as set forth in Section 6 and 7 of Ordinance No. 2071-89.

Passed and approved this 7th day of March, 2011.

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Jack Hobbie, Mayor

Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

Rena Stelling representing the Nebraska City Swim Team requested \$10.00 pool passes for certain swim team members. Commissioner Crunk suggested that the \$10.00 fee be increased to \$25.00 for single and \$45.00 for 2 from same family for all team members. Scooter Edmisten, Recreation Director stated that a fee structure like Commissioner Crunk suggested would negatively impact pool revenues. Phil Silvius, Chairperson of the Parks Advisory Committee added that he personally felt that the \$10.00 fee was too low. Commissioner Mercer stated that he would like to see a formal recommendation from the Parks Advisory Committee before he a decision is made. Commissioner Mercer moved to postpone action on the Swim Team request until a recommendation from the Parks Advisory Committee is received. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the request by N.C.T.C. to close the Memorial Building parking lot on Thursday's from May 26<sup>th</sup> to September 8<sup>th</sup> for a Farmer's Market. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Moved by Commissioner Mercer and seconded by Commissioner Gay to approve the Nebraska City Investment Policy. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Resolution 2514-11 setting the final loan amount for the Wastewater Improvement Project. Leroy Frana, General Manager of Nebraska City Utilities explained the Public Works Board recommendation. Moved by Commissioner Gay and seconded by Commissioner Mercer to approve the borrowing of \$5,000,000.00 at 2.25% plus 1.00% loan fee from Nebraska Department of Environmental Quality for the Wastewater Treatment Plant Improvement Project. Upon roll call the following voted YES: Handy, Mercer, Gay and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2514-11

RESOLUTION DESIGNATING THE FINAL TERMS OF THE CITY OF NEBRASKA CITY, NEBRASKA, LOAN FROM THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY IN THE FORM OF THE CITY'S COMBINED UTILITY REVENUE BOND, SERIES NO. 28, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,000,000

WHEREAS, the City of Nebraska City by Ordinance No. 2841-11, passed and approved February 20, 2011, (the "Bond Ordinance") authorized the issuance of its Combined Utilities Revenue Bond, Series No. 28, (the "Series No. 28 Bond") in the form of a single Note to be issued to the Nebraska Department of Environmental Quality (the "NDEQ") in the principal amount of not to exceed \$7,000,000, which Series No. 28 Bond is to be governed by the terms of the Bond Ordinance and a Loan Contract as approved under and defined in the Bond Ordinance;

WHEREAS, the Bond Ordinance provides the Board of Commissioners of the City shall set the final principal amount to be borrowed from the NDEQ under the Loan Contract by resolution;

WHEREAS, the Board of Public Works of the City has recommended the maximum drawable amount of the City's Series No 28 Bond be \$5,000,000 with the corresponding amount of possible principal forgiveness and associated amortization schedule to be set by the NDEQ;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, that the maximum drawable amount of the Series No. 28 Bond shall be \$5,000,000, with the corresponding principal forgiveness possible under the Loan Contract being \$110,135 and the amortization schedule set according to such principal amount; and,

BE IT FURTHER RESOLVED by the Mayor and Board of Commissioners of the City that this resolution is hereby determined to be a measure necessary to carry out the City's contractual obligations under Ordinance No. 2841-11 and shall be in force and take effect immediately.

Passed and approved this 7th day of March, 2011

CITY OF NEBRASKA CITY, NEBRASKA

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Jack Hobbie, Mayor

ATTEST:

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Arnold M. Ehlers, City Clerk - Treasurer

[SEAL]

Mayor Hobbie introduced Resolution 2513-11 titled the Otoe County Radiological Emergency Reception Plan for Nuclear Power Plant Incidents. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2513-11. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2513-11**

BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

That in order to provide a coordinated effort and response to an emergency situation at the Cooper Nuclear Station which could result in an influx of evacuees into the City of Nebraska City, the City Council of Nebraska City deems it advisable and prudent to approve the attached Otoe County Radiological Emergency Reception Plan for Nuclear Power Plant Incidents

Passed and Approved this 7<sup>th</sup> day of March, 2011.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk – Treasurer

Pat Haverty explained the request by Lourdes Central Catholic School to purchase the vacated and unused portion of 4<sup>th</sup> Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the sale of 4<sup>th</sup> Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets for \$1.00 plus all costs to Lourdes Central Catholic School. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Gordon Anderson from the City of Omaha appeared before the Council with the City of Omaha's annual request for a Land Application of Sludge Permit within the two mile jurisdiction of Nebraska City. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the Land Application of Sludges for the City of Omaha. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Resolution 2515-11 designating the detour route and "No Parking" for the next phase of the 11<sup>th</sup> Street Widening Project. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2515-11. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2515-11**

WHEREAS, South Eleventh Street in Nebraska City, Nebraska, will be closed to vehicular traffic from 11<sup>th</sup> Corso to 13<sup>th</sup> Corso during the next phase of the construction of 11<sup>th</sup> Street Widening Project #STPP6218(1),CN12696, and

WHEREAS, because of said closing it is necessary to designate a detour route for vehicular traffic, and

WHEREAS, the streets designated for such detour are 11<sup>th</sup> Corso from 11<sup>th</sup> Street to 13<sup>th</sup> Street; 11<sup>th</sup> Street from 11<sup>th</sup> Corso to 14<sup>th</sup> Corso; 14<sup>th</sup> Corso from 13<sup>th</sup> Street to 11<sup>th</sup> Street; and

WHEREAS, because said detour route will be carrying traffic in both directions, it will be necessary to prohibit parking on both sides of said streets until said 11<sup>th</sup> Street Widening Project #STPP6218(1),CN12696 is completed;

NOW THEREFORE, Be It Resolved by the Mayor and City Commissioners of the City of Nebraska City, as follows:

1. That "No Parking" signs be erected on both sides of the following Streets for the regulation of traffic, and that said regulation shall be effective for twenty-four hours each day to prohibit parking on said detour route until said 11<sup>th</sup> Street Widening Project #STPP6218(1),CN12696 is completed.
  2. That said signs be erected on both sides of the following streets, to-wit: 11<sup>th</sup> Corso from 11<sup>th</sup> Street to 13<sup>th</sup> Street; 13<sup>th</sup> Street from 11<sup>th</sup> Corso to 14<sup>th</sup> Corso; 14<sup>th</sup> Corso from 13<sup>th</sup> Street to 11<sup>th</sup> Street
- Passed and approved this 7<sup>th</sup> day of March, 2011.

\_\_\_\_\_  
Jack Hobbie, Mayor  
Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

Action Tech	400.00	Contr	LaRue Coffee	79.99	Supp
Adkins Signs	178.80	Maint	Lifeguard Auto	25.50	Rep
Aflac	4,000.00	FSA	Linweld	218.42	Med
Alamar	428.21	Unif	Madsen, D	161.00	Rec
Allied Refuse	302.25	Garbage	Martin Marietta	2,034.55	Maint
Anthens, G	216.00	Rec	McGinnis, A	20.00	Misc
Arbor Mart	2,563.49	Fuel	Mead Lumber	16.71	Rep
Asphalt Material	610.00	Maint	Microfilm System	80.00	Contr
AVAC	355.50	Contr	Morrow, S	136.04	Misc
Bennet, R	319.96	Maint	Mullenax Auto	912.57	Rep
Bill Walters Shop	183.88	Rep	Nationwide	10,329.28	Inv
Bonds	6,375.00	Bond	NC Newspress	310.88	Advert
Bound Tree	931.32	Med	NCTC	5,579.77	Contr
Callaway	7,419.67	Msde	NE Clerk Ins	230.00	Training
Cal-Tech Assoc	50.00	Rep	NE Comm Found	2,291.67	Contr
Casey's	137.50	Fuel	NE Envir Prod	691.75	Equip
Century Lumber	86.56	Maint	NE Exp Econ Dev	375.00	Dues
Cintas	57.70	Contr	NE Salt & Grain	7,238.02	Maint
City Tire	38.45	Rep	NE Supreme Ct	118.50	Supp
Cntr Pub Affairs	230.00	Training	Omaha Tractor	695.95	Rep
Conner, J	138.00	Rec	O'Reilly Auto	14.83	Rep
Creighton Med	2,341.85	Supp	Orscheln	59.10	Rep
Cricket	64.00	Misc	Osten, V	68.74	Mileage
Douglas Tire	232.95	Rep	Otoe Co Clerk	462.00	Contr
EMS Billing	5,478.82	Contr	Packaging Horizo	56.77	Supp
Farris, M	260.00	Rec	Paper Tiger	35.00	Contr
Farris, P	98.00	Rec	Payroll	138,435.28	Payroll
Fastenal	128.00	Rep	Petty Cash	20.90	Postage
Fire Protection	24.00	Maint	Schendel Pest	37.00	Pest Cont
Fireguard	124.93	Unif	Schneider Elec	101.00	Rep
Food Pride	6.29	Supp	Standley, T	20.00	Misc
Fremont Nat Bk	20,325.00	Bond	State Chem Mfg	102.09	Supp
Giittinger, D	151.76	Mileage	State Treasurer	56.26	Contr
Graham, C	20.00	Misc	Tom's Radio	900.00	Comm
Harland Tech	7.66	Hrdwre	Tree Worx	900.00	Maint
Haverty, P	263.00	Mileage	Tri-State Office	232.40	Supp
Heartland Class	255.30	Advert	Tri-State Pumping	720.00	Contr
Henry Motors	25,000.00	LB840	Ultramax	255.00	Ammo
Hopkins Auto	146.40	Rep	Van Wall Turf	255.36	Rep
Ideal Pure Water	25.50	Contr	Vasa, J	22.00	Rec
Keim Farm Equip	44.65	Rep	Verizon Wireless	705.90	Tele
KNCY	1,089.00	Advert	Viox, A	241.74	Mileage
Konica Business	160.75	Contr	VISA	396.30	Supp
Konica Premier	230.00	Contr	Watkins	212.25	Rep
Kreifels Electric	51.80	Rep	Wenzl Hardware	48.39	Rep
Lab Safety	416.63	Supp	Wick's Trucks	369.31	Equip
Landis Engine	155.45	Rep	Wildwood Artist	115.43	Supp
Larson Motors	981.61	Equip	Wood Family Fuel	84.86	Fuel

Meeting adjourned at 6:42 p.m.

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Arnold M. Ehlers, City Clerk – Treasurer

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.

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Arnold M. Ehlers, City Clerk-Treasurer