

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
April 18, 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 April 18, 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, Mark Mercer and Mayor Hobbie. Absent: Dean Handy. 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 were Nebraska City News-Press and KNCY.

Commissioner Crunk moved to approve the minutes of the April 4, 2011, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted AYE: Crunk, Gay and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion adopted.

Commissioner Mercer moved to pay all claims except Claim #7250D, seconded by Commissioner Gay. Upon roll call the following voted YES: Gay, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

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

Mayor Hobbie appointed Madison Kurtzer as a probationary member of the Nebraska City Fire and Rescue Dept.

Mayor Hobbie proclaimed May 1 – 7, 2011 as “National Drinking Water Week.”

Mayor Hobbie proclaimed April 29 through May 1, 2011 as the official observance of Arbor Day.

Mayor Hobbie opened the Public Hearing on amending the height of fences in front yards from 42” to 48”. Dan Giittinger explained that staff was recommending this change due to the fact that the standard height now is 48” and 42” is a special order costing more money. No one else spoke in support or opposition to the change in fence height.

Pat Haverty reminded everyone that yard waste could be taken to the tree dump free for City residents through Saturday April 23rd. Mr. Haverty stated that the City has received notice that the foot bridge (Pawnee Arch) that was scheduled to be removed in Steinhart Park has been declared a historic structure and the City will have to create a mitigation plan for the structure. City staff will meet with Federal Highway, State Roads and State Historical representatives to work on the plan. The City Treasurer reported a beginning balance March 1, 2011 of \$ 2, 050,727.04 revenues of \$737,297.68 and expenditures of \$433,082.14 leaving a balance on hand as of March 31, 2011 of \$2,354,942.58. Mayor Hobbie directed that all written reports be placed on file.

Stephanie Shrader of Nebraska City Area Economic Development presented a series of photos depicting the Central Avenue Mill & Overlay Project and business façade improvements along with the written quarterly report. She pointed out the local retailer loans for façade improvements and construction at Red Fox Run. She added that Nebraska City hosted several potential companies for new locations in the first quarter. The Profit/Loss Statement showed a loss of \$2,334.84 for the quarter and \$4,813.38 year –to-date.

Commissioner Handy entered the meeting.

Pat Haverty provided background information concerning the request by Sharon Enke to build a retaining wall for her at 1301 S. 11th Street due to street widening. Mr. Haverty explained that the original plans called for the street to be lowered approximately five feet and at that time Mrs. Enke was told that a retaining wall would be necessary and that the plans called for the retaining

wall to be part of the project. However the plans were revised and the street was only lowered one foot and the retaining wall was removed from the project. Mrs. Enke addressed the Council saying that the slope of her front yard was dangerous and she was afraid of tipping over on her riding lawnmower and getting run over by traffic. Dan Giittinger stated that her property was the least affected by the street improvement. Brett Gay added that he too thought that her property was not that bad but felt that each Councilperson should look at the property in person prior to making a decision. Commissioner Mercer then said he wanted to look at the property before making a decision. Mayor Hobbie asked each Councilperson to look at the property and that the request would be placed on the May 2, 2011 agenda.

Mayor Hobbie introduced Ordinance No. 2847-11 entitled: AN ORDINANCE TO AMEND SECTION 504.03 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO LIMIT THE HEIGHT OF FENCES TO FORTY-EIGHT (48") INCHES; TO REPEAL THE ORIGINAL SECTION 504.03 OF OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; 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: Gay, Crunk, Mercer, 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. 2847-11 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Mercer, 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. 2847-11

AN ORDINANCE TO AMEND SECTION 504.03 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO LIMIT THE HEIGHT OF FENCES TO FORTY-EIGHT (48") INCHES; TO REPEAL THE ORIGINAL SECTION 504.03 OF OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

Whereas, the Planning Commission of the City of Nebraska City, Nebraska, held a public hearing on the subject of amending Section 504.03 of the Official Zoning Ordinance of Nebraska City, and has recommended that the Mayor and City Commissioners approve the amendment of said Section 504.03 as hereinafter provided, and

Whereas, the Mayor and City Commissioners have also held a public hearing on the matter after giving public notice of such hearing as provided by law.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 504.03 of the official Zoning Ordinance of the City of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 504.03. Ornamental fences, open fences, screen fences, walls, structural screens, and shrubs used to create a natural fence or screen, shall be permitted in any required yard, provided that any such fence, wall, screen or shrubs used to create a natural fence or screen located in a front yard shall not exceed a height of forty-eight (48") inches as measured from the nearest ground level. All such fences, walls, or structural screen shall comply with the requirements of Section 510 of this Ordinance with regard to driver visibility at street intersections."

Section 2. That the original section 504.03 of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED, this 18th day of April, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2846-11 entitled: AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2011-2 IN THE CITY OF NEBRASKA CITY,

NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; 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: Gay, Crunk, Mercer, 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. 2846-11 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Mercer, 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. 2846-11

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2011-2 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a paving district to be known and designated as Street Improvement District No. 2011-2 of the City of Nebraska City, Nebraska.

Section 2. That the outer boundaries of Street Improvement District No. 2011-2 shall include, in addition to the street to be improved, all of the following property abutting upon said street to be improved and within which district, the following street shall be improved by paving, including all approaches and remove and replace the existing bridge with all necessary appurtenances thereto;

4th Corso from 5th Street to 1st Street.

Section 3. Said street shall be improved at public cost and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the City and in accordance with an agreement for such improvements entered into between the City and the State of Nebraska, all as approved or to be approved by the Mayor and Board of Commissioners.

Section 4. Notice of the creation of said District shall be published as provided by law in the *Nebraska City News-Press*, a legal newspaper published in and of general circulation in Nebraska City, Nebraska.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 18th day of April, 2011.

Jack Hobbie, Mayor of Nebraska City
ATTEST:

Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie introduced Resolution 2518-11 to set the date for a Public Hearing on the sufficiency of any written objections to the creation of Street Improvement District 2011-2 known as the 4th Corso Viaduct Remove and Replace. Commissioner Handy moved to approve Resolution 2518-11 setting the Public Hearing on May 23, 2011. Upon roll call the following voted YES: Crunk, Gay, 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 2518-11

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

The Mayor and Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 16th day of May, 2011, at 6:00 o'clock P.M. at the regular meeting place of the Board, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2011-2 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this 18th day of April, 2011.

Jack Hobbie, Mayor of Nebraska City

(S E A L)

ATTEST:

Mayor Hobbie introduced Resolution 2520-11 authorizing the City to incur indebtedness on the 4th Corso Viaduct Project and be reimbursed through a bond issuance. Commissioner Handy moved to approve Resolution 2520-11. Upon roll call the following voted YES: Crunk, Gay, 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 2520-11

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

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Code Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with costs incurred in connection with the construction of paving improvements Street Improvement District No. 2011-2 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$ 5,300,000.

Section 2. That up to the expenditures of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City’s reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all such times until bonds or such other tax-exempt obligations contemplated herein are issued.

DATED this 18th day of April, 2011.

(S E A L)

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Resolution 2519-11 authorizing the City to incur indebtedness on the South 2nd Street Gap Paving Project and be reimbursed through bond issuance. Moved Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2519-11. Upon roll call the following voted YES: Gay, 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 2519-11

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

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Code Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with costs incurred in connection with the construction of paving improvements Street Improvement Project No. 2011-3 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$ 95,000.

Section 2. That up to the expenditures of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City’s reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all such times until bonds or such other tax-exempt obligations contemplated herein are issued.

DATED this 18th day of April, 2011.

(S E A L)

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk

Rose Ralstin of NCTC presented this years’ list of events and requests for use of City parks, streets and tables for the Arbor Day Celebration. Commissioner Gay moved to approve all the requests as presented. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Fire Chief Alan Viox and EMS Chief Rodney Turpel explained the recommendation by the EMS Division of Nebraska City Fire and Rescue to award the equipment bid to Physio Control for 2 – Monitor/Defibrillator Combo Units. This recommendation takes into account the compatibility of

lifesaving equipment with the receiving hospitals in Lincoln which will improve lifesaving and life safety of heart patients in transit. Another benefit will be the cost savings derived from the ability to purchase disposables in bulk. The interchangeability of parts and repairs will also contribute to life saving by always having at least one unit available at all times. Moved by Commissioner Mercer and seconded by Commissioner Gay to award the bid to Physio Control contingent upon City Attorney review of bid acceptance requirements. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Lourdes Central Catholic Schools requests the waiving of shelter rent for their annual pre-school picnic. Moved by Commissioner Crunk and seconded by Commissioner Handy to waive the fee for the Lourdes/St. Benedict's Pre-School Picnic. Upon roll call the following voted YES: Gay, Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Karen Houser with Lied Lodge requested that guests be allowed to park on the south side of Sylvan Road on April 30, 2011. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the request to allow parking on the south side of Sylvan Road on April 30, 2011 from 6 – 11 p.m. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and approved.

Pat Haverty outlined the need for the Supplemental Agreement No. 1 to the 4th Corso Mill and Overlay Project Task Order Agreement to correct pricing in the original agreement. Commissioner Handy moved to approve Supplement No. 1, reducing the fee to \$14,932.36. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Brenda Wilson of GIS Workshop presented information on a Geographical Information System (GIS) for Nebraska City. This system combines an aerial map of the city with an embedded database. If put in place, it would be easy to track City infrastructure allowing staff the ability to better manage City assets. Moved by Commissioner Mercer and seconded by Commissioner Gay to authorize staff to apply for a State Records Board Grant to help pay for the GIS System. Upon roll call the following voted YES: Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed and adopted.

Commissioner Crunk moved to award the bid for pool concession to Jackie Moyer who bid \$750.00. Upon roll call the following voted YES: Gay, Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie opened a discussion on lowering the speed limit on 11th Street from 2nd Avenue south. Mayor Hobbie stated that he has received concerns that the current speed limit is dangerous due to the heavy traffic flow going past a city park, through the downtown business district and past several gas stations and fast food facilities. Chief Lacy concurred with the Mayor's opinion and felt that a reduction in the speed limit would be appropriate. Commissioner Handy moved to direct the City Attorney to draft an ordinance making the speed limit from 3rd Avenue to 7th Corso 25 mile per hour. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Meeting adjourned at 7:37 p.m.