

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
May 2, 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 May 2, 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Brett Gay. The following City Officials were present: City Administrator Pat Haverty, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Public Properties Director/Zoning Director Dan Giittinger and EMS Chief Rodney Turpel..

Commissioner Handy moved to approve the minutes of the April 18, 2011, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted AYE: 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: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie proclaimed May 6 – 12 as National Nurses Week in Nebraska City.

Mayor Hobbie proclaimed May 8 – 14 as National Nursing Home Week in Nebraska City.

Mayor Hobbie proclaimed May 25 as National Senior Health and Fitness Day in Nebraska City.

Pat Haverty opened the City Administrator's Report by stating that this is his last Council Meeting. He reported that he has been attempting to document all the projects that are in progress and has prepared a preliminary budget for the next fiscal year. He added that he would be available to discuss any of the mentioned items on a one to one basis with any Board Member.

Rick Sevening representing the Nebraska City Baseball Association presented a list of improvements the association would like to do to the ball field in Steinhart Park. The list includes constructing a storage building west of the third base dugout, installing a gate to move the batting bubble on and off the field, rebuilding the pitchers mound and repositioning the bleachers. Commissioner Crunk expressed a possibility that the building might interfere with the construction of a new pool if the new pool were to be located at its current site which is a remote possibility. Mr. Sevening asked how long it would take to determine the pool location, Crunk stated possibly two years. Commissioner Crunk moved to grant the request by the N.C. Baseball Association to rebuild the pitchers mound and move the bleachers. The motion died due to lack of a second. Commissioner Handy moved to postpone the decision until May 16, 2011 meeting to allow Commissioners time to view proposed storage building location and bleacher move, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Pat Haverty provided new photos of Mrs. Enkes' front yard in response to her request from the April 18, 2011 meeting that the City build a retaining wall on her property due to the South 11th Street improvement project. All board members had visited the property and were familiar with Mrs. Enkes' concern. Commissioner Handy asked Dan Giittinger if the slope complied with all state and federal guidelines. Mr. Giittinger replied that it did and that the Enke property was the least affected by the project. Commissioner Handy moved to deny the request to build a retaining wall at 1301 South 11th Street. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Ordinance No. 2848-11 entitled: AN ORDINANCE TO AMEND SECTION 35-137 OF THE CODE OF THE NEBRASKA CITY TO REDUCE THE SPEED LIMIT ON 11TH STREET FROM 5TH AVENUE TO A POINT 1150 FEET SOUTH OF 14TH CORSO IN THE CITY OF NEBRASKA CITY, FROM 30 MILES PER HOUR TO 25 MILES PER HOUR; TO REPEAL THE ORIGINAL SECTION 35-137 AND ANY OTHER ORDINANCES 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: 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. 2848-11 be passed and adopted?" Upon roll call the following voted YES: 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. 2848-11

AN ORDINANCE TO AMEND SECTION 35-137 OF THE CODE OF THE NEBRASKA CITY TO REDUCE THE SPEED LIMIT ON 11TH STREET FROM 5TH AVENUE TO A POINT 1150 FEET SOUTH OF 14TH CORSO IN THE CITY OF NEBRASKA CITY, FROM 30 MILES PER HOUR TO 25 MILES PER HOUR; TO REPEAL THE ORIGINAL SECTION 35-137 AND ANY OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That Section 35-137, of the Code of the City of Nebraska City, Nebraska, be and is hereby amended to read as follows:

Sec. 35-137 **Maximum limits generally; rates of speed on Business U.S. 75, Business Nebraska Highway 2 and Industrial Road.**

(a) As provided in section 35-136 , no person shall operate a motor vehicle on any street, alley or other place within the City of Nebraska City at a rate of speed greater than is reasonable and proper, having regard for the traffic and roadway and the condition of the street, or at such a speed as to endanger the life, limb or property of any person, and under no circumstances in excess of twenty-five (25) miles per hour on all streets outside of the congested district or the business district or in excess of twenty (20) miles per hour on all streets within the business district or the congested district.

(b) Provided, however, that the following rates of speed shall be in effect for Business U.S. Highway 75 (also known as 11th Street), a speed not in excess of

Twenty-five (25) miles per hour from Central Avenue north on 11th Street to 5th Avenue;

Thirty-five (35) miles per hour from 5th Avenue northwest fifteen hundred (1,500) feet;

Forty-five (45) miles per hour from the point of the fifteen hundred (1,500) feet northwest of 5th Avenue to a point five hundred (500) feet northwest of Nineteenth Street;

Fifty-five (55) miles per hour from a point five hundred feet west of Nineteenth Street to the North Corporate Limits on Business Highway 75;

Twenty-five (25) miles per hour from Central Avenue south on 11th Street to a point eleven hundred fifty (1,150) feet south of 14th Corso;

Thirty-five (35) miles per hour from the point eleven hundred fifty (1,150) feet south of 14th Corso to the South Corporate Limits of the City on Business Highway 75.

(c) The following rates of speed shall be in effect for Nebraska Highway 2, a speed not in excess of:

Forty-five (45) miles per hour from 11th Street (also known as Business U.S. Highway 75) to one thousand (1,000) feet east of 11th Street.

(d) The following rates of speed shall be in effect for Business Nebraska Highway 2 (also known as 4th Corso), a speed not in excess of:

Twenty-five (25) miles per hour from 11th street (also known as Business U.S. Highway 75) to six hundred (600) feet west of 19th Street (east boundary of the National Guard property);

Thirty-five (35) miles per hour from six hundred (600) feet west of 19th Street (east boundary of the National Guard property) west to Industrial Road;

Forty-five (45) miles per hour from Industrial Road to the west corporate limits of the City;

Twenty-five (25) miles per hour from 11th Street (Business U.S. Highway 75) east to the west wide of the 4th Corso viaduct;

Thirty-five (35) miles per hour from the west side of the 4th Corso viaduct east to the corporate limits of the City.

(e) The rate of speed on Industrial Road from the south driveway entrance to Park E-Z Trailer Court, west to its intersection with Business Nebraska Highway 2 (also known as 4th Corso) shall not be in excess of thirty-five (35) miles per hour.

SECTION 2. That Section 35-137 of the Code of the City of Nebraska City, and any other ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

Passed and Approved this 2nd day of May, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Rodney Turpel explained the AFG Grant Purchase Recommendation by the EMS Division. The recommendation is to award the bid to Zoll Medical for one (1) Auto Pulse Unit in the amount of \$13,490.00. Commissioner Mercer moved to award the bid to Zoll Medical for one Auto Pulse Unit in the amount of \$13,490.00. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Leroy Frana presented the Board of Public Works recommendation to purchase three trucks and one truck body in the amount of \$125,605.00 with trade-in. Commissioner Handy moved to approve the purchase of three trucks and one truck body in the amount of \$125,605.00. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Dan Giittinger answered questions pertaining to Windstream’s request to place buried cable on City right-of-way. Commissioner Handy moved to approve the request by Windstream to place communications facilities in certain public roads. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Resolution 2521-11 adopting the revised and updated Personnel Manual.. Pat Haverty went through the revisions one-by-one and explained the reason for the change. Commissioner handy moved to approve Resolution 2521-11. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2521-11

WHEREAS, on the 3rd day of April, 1989, the Mayor and Commissioners of the City of Nebraska City, Nebraska adopted a revised Personnel Manual for the employees of the City of Nebraska City, and

WHEREAS, on the 21st day of June, 2010, the Mayor and Commissioners of the City of Nebraska City, passed Resolution No. 2476-10 to update the Personnel Manual, and

WHEREAS, changes in the law and changes in City policies have affected the regulations outlined in the Personnel Manual, it is determined that in order to keep up to date with such changes, the Personnel Manual is in need of revision.

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

Section 1. That the Personnel Manual of the City of Nebraska City, Nebraska dated May 2, 2011 and attached as Exhibit A, setting forth in writing the provisions affecting the employment policies, benefits, disciplinary procedures, and drug policies for all full-time, part-time and temporary personnel of the City, be and the same is hereby adopted.

Section 2. That such Manual shall be published in pamphlet form with the original to be maintained in the office of the City Clerk-Treasurer, and copies to be made available to all employees of the City.

Passed and Approved this 2nd day of May, 2011

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk Treasurer

Pat Haverty informed the Council that the supervisors have been working on revising the job descriptions for City positions to better reflect the duties and responsibilities of each position. Commissioner Handy moved to approve the revised job descriptions. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Ordinance No. 2849-11 entitled: AN ORDINANCE TO AMEND SECTION 31-37 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE QUARTERLY PAYMENT FROM THE COMBINED UTILITY FUND OF THE NEBRASKA CITY UTILITIES TO THE GENERAL FUND OF THE CITY OF NEBRASKA CITY FROM 3% TO 5% OF THE GROSS REVENUE RECEIVED FROM THE SALE OF ELECTRIC ENERGY AND NATURAL GAS WITHIN THE CORPORATE LIMITS OF NEBRASKA CITY AND TO INCLUDE IN SUCH QUARTERLY PAYMENT 5% OF THE ELECTRIC ENERGY AND NATURAL GAS SALES FROM CUSTOMERS RESIDING WITHIN THE TWO MILE ZONING JURISDICTION OF THE CITY OF NEBRASKA CITY; TO REPEAL THE ORIGINAL SECTION 31-37 OF THE CODE OF NEBRASKA CITY, ANY AND ALL ORDINANCES 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: 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. 2849-11 be passed and adopted?" Upon roll call the following voted YES: 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. 2849-11

AN ORDINANCE TO AMEND SECTION 31-37 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE QUARTERLY PAYMENT FROM THE COMBINED UTILITY FUND OF THE NEBRASKA CITY UTILITIES TO THE GENERAL FUND OF THE CITY OF NEBRASKA CITY FROM 3% TO 5% OF THE GROSS REVENUE RECEIVED FROM THE SALE OF ELECTRIC ENERGY AND NATURAL GAS WITHIN THE CORPORATE LIMITS OF NEBRASKA CITY AND TO INCLUDE IN SUCH QUARTERLY PAYMENT 5% OF THE ELECTRIC ENERGY AND NATURAL GAS SALES FROM CUSTOMERS RESIDING WITHIN THE TWO MILE ZONING JURISDICTION OF THE CITY OF NEBRASKA CITY; TO REPEAL THE ORIGINAL SECTION 31-37 OF THE CODE OF NEBRASKA CITY, ANY AND ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, AS FOLLOWS:

Section 1. That Section 31-37 of the Code of the City of Nebraska City, Nebraska, be and hereby is amended to read as follows:

"Section 31-37. Transfer of funds. That commencing on the first day of September, 2011, and quarterly thereafter, the City of Nebraska City shall transfer from their Combined Utilities Fund to the General Fund of the City of Nebraska City, five percent (5%) of the gross revenues received from the electric energy and natural gas sales from customers residing within the Corporate Limits of Nebraska City and within the Two Mile Zoning Jurisdiction of the City of Nebraska. Such funds shall be transferred within thirty days of the end of each calendar quarter."

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

PASSED and APPROVED this 2nd day of May, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk Treasurer

Chief Lacy addressed the Council on the request by the Nebraska City National Guard representative to allow parking on Steinhart Park Road for the return of the deployed National Guard Unit the exact date unknown at this time. Commissioner Mercer moved to allow parking on Steinhart Park Road for the return of the National Guard Unit. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Acco	4,043.91	Chem		Mounce, J	25.00	Misc
Action Tech	400.00	Contr		Mullenax Auto	303.37	Rep
ADT	121.44	Contr		Muni Code Corp	2,297.83	Supp
Aflac	426.00	FSA		Muni Toy Co	245.00	Supp
Arbor Mart	3,295.70	Fuel		Nationwide	17,115.03	Inv
Arbor Outdoor	264.32	Rep		NC Newspress	35.29	Advert
AVAC	242.95	Contr		NC Rotary	375.00	Dues
Baur, G	25.00	Misc		NCPS	6,050.00	Contr
Beacon Athletic	229.87	Supp		NCTC	5,417.00	Contr
Bond Payment	5,100.00	Bond		NE Comm Found	2,291.67	Contr
Borer, F	98.88	Misc		NE State Treas	31.04	Contr
Bound Tree	1,220.15	Med		Orscheln	404.40	Rep
Century Lumber	67.79	Rep		Otoe Co Clerk	1,222.50	Contr

Cintas	60.32	Contr	Paragon Sports	96.17	Msde
Concrete Ind	8.76	Maint	Payroll	141,269.65	Payroll
Continuum	1,875.00	Contr	Pepsi-Cola	200.80	Conc
DARE Products	483.51	Supp	Petty Cash	84.25	Supp
Douglas Tire	246.03	Equip	R&R Products	121.39	Rep
Emblem Enterp	449.50	Unif	Schendel Pest	150.00	Pest
EMS Billing	4,478.48	Contr	SEI	353.00	Contr
Fire Protection	11.25	Maint	Sherwin-Williams	277.67	Equip
Food Pride	47.08	Conc	St. Mary's Hosp	165.62	Med
Fore! Res	700.00	Sftwre	Stutheit Imp	128.08	Rep
Green Provenc	529.35	Supp	Tielke's Sandwich	26.94	Conc
Hemmer Gar	125.04	Equip	Tim Engel Const	25.00	Misc
Hopkins Auto	28.65	Rep	Trade Well Pallet	850.00	Supp
JEO	4,723.75	Contr	Tree City Tees	371.41	Unif
Jones Auto	50.00	Equip	Tri-State Office	63.06	Supp
Konica Premier	245.00	Supp	Two Sisters	200.00	Contr
Landis Engine	390.25	Equip	Univ Publication	120.00	Advert
LaRue Coffee	414.30	Supp	Van Wall Turf	265.60	Rep
Linweld	136.00	Med	Verizon Wireless	399.54	Tele
Martin Marietta	1,763.39	Maint	Wallen, M	46.67	Mileage
McLain, S	219.00	WW	Watchguard	33.00	Supp
Mead Lumber	383.89	Rep	Watkins	575.32	Rep
Med Safety Sup	50.25	Med	Wood Family Fuel	160.00	Fuel
Mellage Truck	718.06	Rep	Wurtele Dist	194.05	Conc
Moore Medical	1,117.45	Med			

Meeting adjourned at 7:04 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