

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
May 16, 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 16, 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 and Mayor Hobbie. Absent: Mark Mercer. The following City Officials were present: City Administrator Pat Haverty, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Fire Chief Alan Viox, EMS Chief Rodney Turpel and Public Properties Director/Zoning Director Dan Giittinger. Media in attendance; News-Press.

Commissioner Crunk moved to approve the minutes of the May 2, 2011, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted AYE: Gay, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Mayor Hobbie proclaimed June 6, 2011 honor America's Veterans through the annual sale of Buddy Poppies.

Mayor Hobbie opened the Public Hearing to determine the sufficiency of written objections for Street Improvement District 2011-2 (4<sup>th</sup> Corso Viaduct Replacement). City Clerk Ehlers stated that no written objections have been received. No one else spoke in opposition to SID 2011-2. Moved by Commissioner handy and seconded by Commissioner Gay to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

The Treasurer reported a balance on hand April 1, 2011 of \$2,204,523.26; revenues for April were \$406,003.91 with expenditures of \$446,284.68 leaving a balance on hand as of April 30, 2011 of \$\$2,164,242.49. The amounts reported no longer include Airport Authority or NCASWA Funds. Mayor Hobbie asked that the report be placed on file.

Nebraska City Baseball Association represented by Tom Bales repeated the request made at the May 2, 2011 Council Meeting. Construct a 20 x 20 storage building, reposition bleachers and install gate in fence along third base line. Moved by Commissioner Handy and seconded by Mayor Hobbie to approve the request by the N.C. Baseball Association to make improvements at the Clemy Holmes Ball Field. Upon roll call the following voted YES: Gay, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Mayor Hobbie introduced Resolution 2525-11 calling Series 25 Bond. Leroy Frana explained to the Council that this call was anticipated and budgeted by the BPW. City Clerk - Treasurer provided a printout showing over \$460,000 savings due to calling the bond early. Moved by Commissioner Handy and seconded by Commissioner Crunk to approve Resolution 2525-11. Upon roll call the following voted YES: Gay, Crunk, 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. 2525-11**

A RESOLUTION CALLING THE OUTSTANDING COMBINED UTILITIES REVENUE BONDS, SERIES NO. 25, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$1,990,000.00 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 June 16, 2011, after which date interest on the bonds will cease:

Combined Utilities Revenue Refunding Bonds, Series No. 25, dated June 15, 2006, in the principal amount of \$1,990,000.00, maturing and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
\$ 50,000	May 15, 2012	639610 AF1
60,000	May 15, 2013	639610 AG9
65,000	May 15, 2014	639610 AH7
70,000	May 15, 2015	639610 AJ3
75,000	May 15, 2016	639610 AK0
100,000	May 15, 2017	639610 AL8
100,000	May 15, 2018	639610 AM6
100,000	May 15, 2019	639610 AN4
400,000	May 15, 2020	639610 AP9
470,000	May 15, 2021	639610 AQ7
500,000	May 15, 2022	639610 AR5

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 16<sup>th</sup> day of May, 2011.

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

(SEAL)

ATTEST:

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

Jenni Brant representing the "Leadership Nebraska City" Class No. 6 asked for Council approval to place a mural (Class Project) in Memorial Passageway. Jenni provided a paper rendition of the proposed mural. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the request to place a free standing mural in Memorial Passageway. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Resolution 2522-11 to reimburse the general funds for expenditures for the Central Avenue Mill & Overlay Project. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2522-11. Upon roll call the following voted YES: 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 2522-11**

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 Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of paving improvements on Central Avenue and 11<sup>th</sup> Street of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$600,000.00.

Section 2. That up to the expenditure 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.

PASSED AND APPROVED this 16<sup>th</sup> day of May, 2011

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

\_\_\_\_\_  
Arnold M. Ehlers, Clerk

Mayor Hobbie introduced Resolution 2523-11 to reimburse the general funds for expenditures for the Central Avenue Mill & Overlay Project. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2523-11. Upon roll call the following voted YES: 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 2523-11**

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 Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include

reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of paving improvements Street Improvement District 2008-02 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$350,000.00.

Section 2. That up to the expenditure 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.

PASSED AND APPROVED this 16<sup>th</sup> day of May, 2011

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

\_\_\_\_\_  
Arnold M. Ehlers, Clerk

Mayor Hobbie introduced Resolution 2524-11 to reimburse the general funds for expenditures for the Central Avenue Mill & Overlay Project. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2524-11. Upon roll call the following voted YES: 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 2524-11**

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 Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of Storm Water Sewer Improvement District 2009-03 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$120,000.00.

Section 2. That up to the expenditure 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.

PASSED AND APPROVED this 16<sup>th</sup> day of May, 2011

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

\_\_\_\_\_  
Arnold M. Ehlers, Clerk - Treasurer

Dan Giittinger explained the results of the bid letting for the demolition of the Old City Hall and Fire Station and the staff recommendation to accept the lowest bid in the amount of \$39,950.00 from Anderson Excavating Co of Omaha. Commissioner Gay asked if SHiPO had been notified of plans to demolish the building as he thought that the removal of the building might jeopardize the historic designation of downtown. Gay added that he would like to see the City restore the building. Giittinger stated that renovation costs would be prohibitive. Moved by Commissioner Handy to award the bid to Anderson Excavating Co in the amount of \$39,950.00, and seconded by Commissioner Crunk. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: Gay. Motion passed.

Dan Giittinger presented the bid for Asbestos Mitigation for the Old City Hall and Fire Station in the amount of \$3,950.00 and stated that he felt that the bid was very low. Moved by Commissioner Handy and seconded by Commissioner Crunk to award the contract to Anderson Excavating Co in the amount of \$3,950.00 for asbestos mitigation for the Old City Hall and Fire Station. Upon roll call the following voted YES: Crunk, Handy and mayor Hobbie. Voting NO: Gay. Motion passed.

Dan Giittinger explained the need for Supplemental Agreement No. 1 for construction engineering by Benesch & Co. caused by weather and general contractor delays for the 11<sup>th</sup> Street Widening Project. The additional expense, he explained, will be part of the federal aid project and the City will only pay 20% of the cost. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Supplemental Agreement No. 1 in the amount of \$53,848.13. Upon roll call the following voted YES: Gay, Handy and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

City Clerk – Treasurer Ehlers explained that the City Administrator leaving near the end of the Energy Efficiency Project has left a gap in completing the paperwork necessary for the grant. SENDD had already been doing part of the paperwork and has enough funds left in their

administration fees to finish the paperwork for the City and comply with the requirements of the grant. Moved by Commissioner Gay and seconded by Commissioner Crunk to approve the agreement with SENDD to complete the remaining paperwork for the EECDG #09/10-E031 Grant. Upon roll call the following voted YES: Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Gay moved to approve the request by the Nebraska City Jaycees to hold their annual "Fourth of July Road Block" Fund raiser on June 18<sup>th</sup> at 10<sup>th</sup> Street where it intersects with Central Avenue. Upon roll call the following voted YES: Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Gay and seconded by Commissioner Crunk to approve the request by Nebraska City Jaycees to use Steinhart Park for their annual July 4<sup>th</sup> Fireworks Display. Upon roll call the following voted YES: Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

1st Class Flowers	64.85	Misc	Mead Lumber	290.27	Rep
ADT Security	500.08	Contr	Mercer's	342.66	Supp
Allied Refuse	302.25	Garbage	Michael Todd	2,098.08	Supp
Ambassador Gr	40.00	Misc	Micro Format	100.80	Supp
Arbor Mart	4,619.39	Fuel	Microfilm Img	80.00	Contr
Ashenfelter, D	100.00	Misc	Mid-Con Systems	811.35	Supp
Atchison Co Mail	90.00	Advert	Midwest Turf	218.06	Rep
Baur, G	75.00	Misc	Mullenax Auto	212.43	Rep
Beacon Athletics	592.75	Supp	Nationwide	11,162.60	Inv
Bernhardson, N	110.00	Med	NC Newspress	1,085.16	Advert
Bill Walter & Son	476.81	Rep	NC Utilities	6,699.80	Util
Blankenship, C	110.00	Med	NE Dept Rev	1,304.67	Sals Tx
Bob's Welding	63.66	Rep	NE Env Prod	748.23	Rep
Bohl Plumbing	613.16	Maint	NE Turf Prod	7,135.75	Chem
Bond	5,237.50	Bond	Nielsen, D	182.88	Misc
Bound Tree	1,118.27	Med	OEMTA	75.00	Regist
Brown Glass	319.76	Rep	Olsson Assoc	29,368.45	ROW
Callaway	467.86	Msde	Omaha Tractor	387.80	Equip
Casey's	146.36	Fuel	O'Reilly Auto	17.97	Rep
Century Lumber	13.43	Rep	Orscheln	347.19	Rep
Cintas	60.32	Contr	Otoe Co Clerk	2,742.24	Contr
Danko Equip	89.25	Equip	Pantorium	72.00	Misc
Davis, W	257.68	Misc	Paper Tiger	35.00	Supp
Don's Johns	120.00	Contr	Payroll	92,144.71	Payroll
Douglas Tire	1,839.47	Rep	Pepsi-Cola	208.05	Conc
Ehlers, A	1,505.49	Supp	Peterson, D	100.00	Misc
Emer Med Learn	825.00	Regist	Physio-Control	60,017.50	Med
EMS Billing	7,855.80	Contr	Pine Acres	8,750.00	Supp
Emshoff, P	10.45	Travel	Presto-X	75.00	Pst Cnt
Food Pride	168.84	Conc	Richardson, C	110.00	Med
Galeton Gloves	134.30	Supp	Rose Equip	89.48	Equip
Garlipp, W	720.00	ROW	SEADE Tsk Frce	5,653.41	Contr
Haverty, P	144.84	Mileage	St. Mary's Hosp	62.00	Med
Henry Motors	30,000.00	LB840	Structural Plastics	10,704.14	Supp
HireRight	50.00	Med	Thurman's	90.00	Rep
Hopkins Auto	30.86	Rep	Tielke's Sandwich	27.00	Conc
Hornung's Prod	234.55	Msde	Tom's Radio	43.00	Rep
ICC	41.00	Supp	Tri-State Office	484.22	Supp
Ideal Pure Water	54.50	Contr	Van Wall	87.79	Rep
Isaacs, E	25.00	Misc	Verizon Wireless	300.70	Tele
Jebro	1,029.88	Maint	Viox, A	352.92	Mileage
Jensen, J	25.00	Misc	VISA	258.90	Trng
K & Z Dist	80.50	Conc	Watkins	772.83	Rep
KNCY	95.45	Advert	Wiebusch, R	25.00	Misc
Konica Business	132.37	Contr	Wielechowski, W	110.00	Med
Kreifels Electric	222.35	Maint	Windstream	2,083.97	Tele
Larson Motors	24,514.98	Equip	Wurtele Dist	394.70	Conc
Linweld	198.10	Med	Wurtele, G	12.36	Supp
Loveland Grass	319.60	Seed	Zimco Supply	2,179.50	Chem

Maxx Sunglasses	277.54	Msde		Zoll Medical	13,613.06	Med
ME Collins	3,888.28	ROW				

Meeting adjourned at 6:55 p.m.

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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.

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Arnold M. Ehlers, City Clerk-Treasurer