

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
May 18, 2009

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 of City Hall, 1409 Central Avenue, on May 18, 2009. 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.

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 led in the Pledge of Allegiance. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy, and Mark Mercer. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the May 4, 2009, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie proclaimed May as "Better Hearing and Speech Month."

Mayor Hobbie presented Sergeant Bill Thomas a Certificate of Appreciation for his 28 years of service to the City and wished him well in his retirement.

Chief David Lacy introduced Dana Schebaum who was promoted to Sergeant to fill the position of Bill Thomas who is retiring.

Due to the Council Retreat May 21st there was no City Administrator's Report.

Mayor Hobbie introduced Resolution 2411-09 to reimburse Nebraska City Utilities for current capital expenses using bonds. Commissioner Mercer moved to approve Resolution 2411-09. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

Resolution 2411-09

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 additions and improvements to the water treatment plant of the City, for which the preliminary estimate of debt contemplated for such project exceeds \$325,000 and costs incurred in connection with the construction of additions and improvements to the electrical substations (Sub 902 and Sub 903) of the City, for which the preliminary estimate of debt contemplated for such project exceeds \$1,856,000.

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.

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

DATED this 18th day of May, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk

Mayor Hobbie introduced Resolution 2412-09 to authorize official entry into the NCIP Program. Commissioner Mercer moved to approve Resolution 2412-09. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2412-09

Whereas, the local municipal government must provide leadership for improving community and economic development efforts; and

Whereas, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

Whereas, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

Whereas, the City Council of Nebraska City do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

Now Therefore Be It Resolved, That the City of Nebraska City urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP for the year of 2009.

PASSED AND APPROVED THIS 18TH DAY OF MAY, 2009

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers Clerk-Treasurer

Grant Boden requested that Riverview Park name be changed to Riverview Nature Park to better reflect the character and usage of the park. Commissioner Mercer moved to officially change the name to Riverview Nature Park. Upon roll call the following voted AYE: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Grant Boden requested that the Mayor appoint four stewards for Riverview Nature Park to assure continuity of the master plan put in place in 2008. Commissioner Handy moved to have the Mayor appoint four stewards for Riverview Nature Park from a list provided by Grant Boden. Upon roll call the following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion carried.

Duane Koehlmoos of Nebraska City Jaycees requested use of Steinhart Park for the Annual Jaycees Fireworks Display on July 4th. Commissioner Mercer moved to approve the request by the Nebraska City Jaycees to hold the Fireworks Display on July 4th in Steinhart Park with a raindate of July 5th. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Duane Koehlmoos of Nebraska City Jaycees requested permission from the Council to hold their "Road Block Fundraiser" on Saturday, June 20th. Commissioner Handy moved to approve the Jaycees request to hold their "Road Block Fundraiser." Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty presented additional information and restrictions for fund usage on the contract with Nebraska Department of Economic Development for the Downtown Revitalization Grant. Alan Viox added information concerning the "Livingston Passageway." Commissioner Mercer moved to approve the contract with NDED for the Downtown Revitalization Grant. Upon roll call the following voted AYE: Handy, Gay, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion adopted.

Cliff Cooper representing River City Classic Cars requested the closure of Central Avenue and intersecting streets from 7th to 11th on September 20th for a car show. Commissioner Mercer moved to approve closing Central Avenue from 8th Street to 11th Street and intersecting street to the alley with the understanding that if there are many entrants the 700 block of Central Avenue could be used. Upon roll call the following voted AYE: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to approve Estimate #4 to Rife Construction for the renovation of Rowe Memorial Safety Complex. . Upon roll call the following voted AYE: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance 2759-09:

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO ANIMALS AND FOWL; SECTION 7-37 RELATING TO WHEN LICENSE AND LICENSE FEES ARE DUE; SECTION 7-40, RELATING TO LOST TAG REPLACEMENT; SECTION 7-61 RELATING TO KENNEL LICENSES; TO REPEAL ALL ORDINANCES OR PARTS OF 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 Mercer seconded the motion and upon roll call the following voted

AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question "Shall Ordinance No. 2759-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Gay, Handy, Mercer 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 Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2759-09

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO ANIMALS AND FOWL; SECTION 7-37 RELATING TO WHEN LICENSE AND LICENSE FEES ARE DUE; SECTION 7-40, RELATING TO LOST TAG REPLACEMENT; SECTION 7-61 RELATING TO KENNEL LICENSES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 7-37 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 7-37. When due.

The license and license fee required by the provisions of this division shall become due and payable on the first day of February of each year or within thirty (30) days after a dog or cat reaches the age of six (6) months. The tax imposed by this division shall become delinquent from and after the tenth day of February of each year."

Section 2. That Section 7-40 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 7-40. Lost tag, replacement.

Upon satisfactory showing made by the owner, keeper or harbinger of any dog or cat that the original tag issued in accordance with the provisions of this article has been lost, upon payment of a fee of two dollars (\$2.00), the city clerk shall issue a duplicate or new tag for the balance of the year for which such license has been paid."

Section 3. That Section 7-61 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 7-61. License required.

No person or entity shall conduct or operate a kennel within the City unless such person or entity shall have first secured a license under the State Commercial Dog and Cat Operator Inspection Act, (NRS54-625 to 54-641) for such kennel, as well as a City License for such kennel. An occupation tax for such kennel license shall be assessed as provided in Section 34-69 of this Code."

Section 4. That all other ordinance or parts of ordinances of the City of Nebraska City, Nebraska, in conflict with this ordinance are hereby repealed.

Section 5. 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 May, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Ordinance 2760-09:

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO CEMETERIES; TO REPEAL SECTION 10-3 RELATING TO TAXATION FOR CEMETERY PURPOSES; TO AMEND SECTION 10-58 RELATING TO THE APPROVAL OF CEMETERY CLAIMS; TO REPEAL ALL ORDINANCES OR PARTS OF 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 Mercer seconded the motion and upon roll call the following voted AYE: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question “Shall Ordinance No. 2760-09 be passed and adopted?” Upon roll call the following voted YES: Crunk, Gay, Handy, Mercer 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 Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2760-09

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO CEMETERIES; TO REPEAL SECTION 10-3 RELATING TO TAXATION FOR CEMETERY PURPOSES; TO AMEND SECTION 10-58 RELATING TO THE APPROVAL OF CEMETERY CLAIMS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 10-3 of the Code of Nebraska City, Nebraska, be and the same is hereby repealed and shall be of no further force and effect.

Section 2. That Section 10-58 of the Code of Nebraska City, Nebraska, be amended to read as follows:

“Sec. 10-58. Approval of claims.

No claim for labor or material used in or about the cemetery shall be submitted to the mayor or city commissioners without the written approval of the cemetery superintendent, endorsed thereon to the effect that such labor was performed or that such materials were furnished.”

Section 3. That all other ordinance or parts of ordinances of the City of Nebraska City, Nebraska, in conflict with this ordinance are hereby repealed.

Section 4. 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 May, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Gay made the motion to approve the request by Doug Langemeier to allow the Nebraska City Fellowship of Christian Athletes to use the Wildwood Shelter rent free on Wednesdays through October. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty and Otoe County Emergency Management Director Gregg Goebel presented information on grant availability for Early Warning Sirens. Commissioner Mercer moved to approve participation in the Early Warning System Joint Purchasing Project and the 25% required matching funds. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Handy moved to approve the Plumber’s License for Pioneer Excavating Company, LLC. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Mercer moved to approve all claims except Claim #7250G. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

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

A M Leonard	55.50	Trees		Loveland Lawns	69.75	Sod
A-1 Locksmith	30.00	Keys		Manley Brothers LLC	3,086.68	Contr
ACCO	3,431.00	Pool Cvr		Marion, James W.	550.00	Stipend
Adams, S	55.00	Mileage		Martin Marietta Mat	602.46	Gravel
Adkins Signs	66.00	Supp		Mead Lumber	244.85	Lumber
Alamar Uniforms	178.82	Unif		MED Alliance Group	244.56	Supp
Alco Store	140.09	Misc		Medical & Safety Svc	203.50	Supp
Allied Recyc & Ref	296.00	Garbage		Mercer's	294.53	Rep
Ambassador Group	70.00	Adv		Meyer Bros Inc	270.00	Supp
Ambassador Rehab	25.00	Med		Mid-America Termite	43.48	Contr
Arbor Mart	1,815.64	Fuel		Midlands Financial	875.00	Contr
Beelner Services	510.00	Maint		Midwest Farmers	321.26	Supp

Bill Walters & Son Shop	254.47	Rep		Midwest ROW Svc	6,674.00	Eng
Bishop Plmbg & Htg	124.95	Rep		Missoula Children's	2,800.00	Contr
Bob's Welding Shop	395.00	Maint		Moore Medical	1,402.53	Supp
Bohl Plmbg & Htg	795.05	Rep		Mullenax Auto Supply	761.19	Rep
Bound Tree Med LLC	75.38	Supp		Municipal Emerg Svc	9,845.05	Unif
Callaway Golf Co	495.90	Msde		N.E.E.D.	375.00	Dues
Card Services	181.61	Supp		NC Clerk - Treasurer	75.00	Misc
Casey's General Stores	142.63	Fuel		NC News Press	844.63	Ads
Century Lumber Center	56.57	Rep		NC Utilities	7,018.58	Util
Cintas Corp #749	127.00	Supp		NE Crime Comm	14.00	Supp
City of Nebraska City	617,343.75	Bonds		NE Dept. of Revenue	1,315.14	Sales Tax
Concrete Industries	146.25	Concr		NE Law Enforcement	160.00	Train
Cornhusker State Indus	2,800.00	Supp		NEXTEL	222.59	Tele
Creighton Univ Med	4,200.00	Train		Olsson Associates	1,505.28	Eng
D & K Products	4,560.00	Chem		Omaha Tractor.	137.82	Maint
Danko Emergency Equip	693.83	Supp		O'Reilly Auto Parts	188.11	Rep
Davis, Todd A.	120.00	Maint		Otoe Reg of Deeds	183.50	Deeds
Diesel Power Equip	766.84	Rep		Otoe County Clerk	2,590.86	Contr
Douglas Tire Co.	15.00	Rep		Pamida	138.93	Supp
EMS Billing Svc	6,973.35	Contr		Pepsi-Cola of Lincoln	305.10	Conc
Fastenal Company	613.90	Supp		Pine Acres Nrsry	2,295.00	Trees
Fireguard	114,300.00	Ambulance		Public Agncy Training	590.00	Train
Food Pride	303.31	Conc		Rife Construction Inc	233,628.03	Eng
Fore! Reservations	700.00	Contr		SEND D	4,551.28	Contr
Fouraker, Helen	150.00	Stipend		Shell	1,748.15	Fuel
Frech, Kevin A.	250.00	Stipend		St. Mary's Comm	75.00	Med
GE Capital	74.67	Tele		Stanton Foods	26.10	Conc
Gittinger, D	72.60	Mileage		Teten, J	25.06	Supp
Graham, Christina	25.00	Refund		The Columbus Tele	100.00	Ads
Harding & Shultz P.C.	100.00	Legal		Thurman Bike & Sprt	4.00	Unif
Haverty, P	180.26	Mileage		Tielke's Sandwiches	16.80	Conc
HireRight Solutions	100.00	Med		Tincher Ford-Mercury	332.47	Rep
Hogan Jr., William F.	900.00	Stipend		Tom's Radio	25.00	Maint
Hopkins Automotive	219.24	Rep		Towns & Associates	350.00	Ads
ICC	53.00	Supp		Tri-State Pmpg	890.00	Rep
Ideal Pure Water	76.50	Water		United Seeds Inc.	800.00	Seed
In the Swim	259.83	Rep		USPS	88.60	Postage
John Deere Landscapes	220.39	Chem		Utt's Golf Carts	5,535.00	Carts
Ka-Comm., Inc	116.75	Maint		Vanderveen Goracke	212.00	Payroll
KNCY AM-FM	32.00	Ads		Voelker Title Co.	13,000.00	Loan
Kreifels Electric	212.50	Rep		Wage & Benefits	94,734.37	Payroll
Krog, Andrew	250.00	Stipend		Watkins True Value	346.85	Rep
Landis Engine	10,270.09	Mower		Wenzl Hardware	14.52	Supp
Lant, J	56.10	Mileage		Windstream	2,725.00	Tele Sys
LaRue Coffee	180.73	Supp		Windstream NE Inc	2,120.90	Tele
Leag of NE Muni.-NCMA	160.00	Train		Winn Incorporated	111.40	Msde
League of NE. Muni	656.00	Train		Wood Family Fuel	87.00	Fuel
Lincoln Electric	84.92	Rep		Wurtele Distributors	107.10	Conc
Linweld, Inc	147.30	Supp				

Meeting adjourned at 7:05 p.m.

Arnold M. Ehlers, Clerk