

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
June 1, 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 June 1, 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, Fire Chief Alan Viox and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Handy moved to approve the minutes of the May 18, 2009, City Council Regular Meeting and the May 21, 2009 Special Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie proclaimed the week of June 11-18, 2009 as "National Nursing Assistants Week."

Pat Haverty gave the Council an update on EMS activity since Jan. 1, Downtown Revitalization Grant, Livingston property RFQ, Airport Layout Plan progress and Steinhart Terminal Dock Repair progress. The Treasurer reported the beginning balance on May 1, 2009 was \$3,637,110.93, \$1,906,007.11 received, and \$2,464,083.81 disbursed, leaving a balance on May 31, 2009 of \$3,078,988.33. Wyuka Cemetery had revenues of \$5,647.00 for the month of May. Alan Viox, Fire Chief presented the Council with the Nebraska City Volunteer Fire and Rescue Departments annual membership and activity reports. Mayor Hobbie accepted all reports and instructed that they be placed on file.

Pat Haverty presented an Interlocal Cooperation Agreement with Otoe County to the Council covering the conditions for a KENO Lottery Game within the City Limits of Nebraska City. Commissioner Handy moved to approve the agreement with Otoe County and authorize the mayor to sign. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: Gay. Motion passed.

Pat Haverty presented a contract with SENDD for Administrative Assistance for the Downtown Revitalization Grant. Commissioner Mercer moved to approve the agreement with SENDD for Administrative Assistance and authorize the Mayor to sign. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty presented a contract with SENDD for "Lead Paint Hazard Clearance Services" for the "Citywide Housing Rehabilitation Program." Commissioner Mercer moved to approve the contract with SENDD for 'Lead Paint Hazard Clearance Services' and authorize the Mayor to sign. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Cindy Ortiz representing the Seventh-Day Adventist Church is requesting that a "Handicap Parking Space" be designated on North 14th Street adjacent to Lots 5 & 6; Block 17; Nebraska City Proper. After discussion Commissioner Mercer moved to table the item to the next meeting to obtain additional information. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2413-09 to remove three (3) "Handicap Parking Spaces" from the Memorial Building Parking Lot located at 8th Street and 1st Corso. Commissioner Handy moved to approve Resolution 2413-09. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2413-09

BE IT RESOLVED by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

That the "Handicapped Parking" stalls be removed at the following location to regulate parking, and said regulation shall be effective twenty-four hours each day.

The north three (3) parking stalls located on the West side of the Memorial Building Parking Lot located on the Northwest Corner of 8th Street and 1st Corso; also known as Lot 12; Block 76; Nebraska City Proper.

Passed and approved this 1st day of June, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2761-09:

AN ORDINANCE TO AMEND SECTION 24-89 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO CONCEALED WEAPONS; 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 Handy 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. 2761-09 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. 2761-09

AN ORDINANCE TO AMEND SECTION 24-89 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO CONCEALED WEAPONS; 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 24-89 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 24-89 Concealed weapons.

It shall be unlawful for any person within this City, except a permit holder possessing a valid permit under the Nebraska Concealed Handgun Permit Act, and except officers of the law in the discharge of their duties, to carry about his/her person any concealed pistol, revolver, dirk, bowie knife, billy, slingshot, metal knuckles, or other dangerous, or deadly weapon of any kind."

Section 2. That all other ordinances or parts of ordinances of the City of Nebraska City, Nebraska, 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 1st day of June, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

James and Peggy Amerine offered to purchase vacated 11th Avenue between 7th and 8th Streets for the sum of \$100.00 plus all costs. Commissioner Gay moved to approve the sale and direct the City Attorney to draft the necessary documents. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty presented information from two (2) organizations interested in providing community survey services to Nebraska City to gather public input concerning the future of the Memorial Building. Bill Moore stated that every effort should be made to inform citizens of the importance of responding to the survey. Commissioner Mercer moved to direct staff to negotiate with CORE/UNO an agreement and possibly modify terms to reduce costs. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None.

Pat Haverty explained to the Council the need for a supplemental agreement with Midwest Right of Way for the disposition of a garage located on public right-of-way of South 10th Street and interfering with the South 11th Street Widening Project. Commissioner Handy moved to approve the agreement with Midwest Right of Way Services, Inc and authorize the Mayor to sign. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Mercer moved to approve all claims. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

A&M Green Power	31.20	Rep	Landis Engine	442.12	Rep
ACCO	1,858.76	Chem	Larson Motors	780.60	Rep
Action Tech Svc	422.00	Contr	Leag of NE Muni.	95.00	Train
Adkins Signs	40.00	Signs	Lentsch, Shari	150.00	Stipend
ADT Security Svc	449.30	Contr	Lincoln Electric	784.75	Maint
Alamar Uniforms	4,317.89	Unif	Linweld, Inc	373.80	Supp
Allied Insurance	250.00	Bond	Marion, James W.	400.00	Stipend
Alltel	424.10	Tele	Martin Marietta Mat.	1,220.92	Gravel
Arbor Landscpg & Const.	12,286.13	Concr	Michael Todd & Co	128.40	Supp
Arbor Mart	2,310.33	Fuel	Mid Con Systems	767.88	Supp
Arbor Valley Anml Clnc	398.33	Ani Exp	Moore Medical	956.95	Supp
Bando, L	24.87	Meals	Morrow, Sharon L.	216.00	Stipend
Bennett, Richard D. Jr.	452.39	Sand	Murphy Distributing	104.20	Conc
Bernhardson, Noah Drell	36.00	Stipend	NC Clerk - Treasurer	96.57	Access
Bill Walters & Son	1,302.32	Rep	NC Utilities	49.92	Util
Bob's Welding Shop	262.50	Rep	NCTC	5,312.50	Contr
Boehm, Ben J.	36.00	Stipend	NE Community Found	2,291.67	Contr
Booth, J	148.85	Train	Nebraska Golf & Turf	34.50	Rep
Bound Tree Medical	177.26	Supp	Olsson Associates	397.52	Eng
BSN Sports	89.97	Rep	Omaha Tractor, Inc.	58.48	Rep
Callaway Golf Co	392.05	Msde	Orscheln	284.65	Supp
City Wholesale Meat	35.99	Conc	Otoe County Bank	25.00	Rental
Concrete Industries	92.25	Concr	Pitney Bowes	125.22	Supp
Earl May Seed & Nrsry	470.86	Supp	Pummel, Jeanene F.	36.00	Stipend
Edmisten, G	109.40	Mileage	Recker, S	542.62	Train
Fastenal Company	4.95	Misc	Roto Snake	97.00	Rep
Fire Protection Svc	3.75	Rep	Schendel Pest Cntrl	109.00	Pest Cntrl
Fouraker, Helen	150.00	Stipend	Schreiner, Kelly J.	650.00	Stipend
Frech, Kevin A.	1,150.00	Stipend	Security Equipment Inc	4,578.00	Contr
GALLS	181.96	Supp	SENDD	1,709.12	Contr
Great American Outdoor	285.06	Supp	Shiplee Flooring	1,229.93	Rep
Hamlin, Sandra M.	396.00	Stipend	Smith, Karin	100.00	Refund
Hart, Anna	450.00	Contr	Snodgrass, Andrew V.	36.00	Stipend
Heartland Classified Svc	63.39	Ads	Southeast Dist Health	1,122.20	Med
Hogan Jr., William F.	250.00	Stipend	Stutheit Implement Co	114.73	Rep
Hotsy Equipment Co	290.25	Rep	The Radar Shop	234.00	Maint
In the Swim	34.94	Supp	Tielke's Sandwiches	53.88	Conc
Ingle, Cass Cody	170.00	Stipend	Tom's Radio	390.00	Contr
Janie's Confections	70.00	Supp	Ullsperger, A	223.19	Train
John Deere Landscapes	277.03	Chem	Wage & Benefits	152,015.08	Payroll
Jones, Nathan C.	550.00	Stipend	Wick's	17.04	Maint
Krog, Andrew	250.00	Stipend	Wieckhorst, L	148.20	Train
Kustom Signals	25.19	Supp	Wurtele Distributing	217.75	Conc

Mayor Hobbie moved to appoint Tyler Avery to the Economic Development Loan Fund Review Board. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie move to re-appoint Roxie Barker to the Cemetery Advisory Board. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie moved to appoint Dorothy Easter as a probationary member of the Nebraska City Volunteer Fire and Rescue Department. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie moved to appoint Phil Silvius to fill an unexpired term on the Airport Authority. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Meeting adjourned at 7:28 p.m.

Arnold M. Ehlers, Clerk-Treasurer