

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
June 2, 2014

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on June 2, 2014. 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: Jim Stark, Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Güttinger.

Stark moved to approve the minutes of the May 19, 2014, City Council Regular Meeting, seconded by Crunk. Upon roll call the following voted YES: Handy, Crunk, Stark and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion adopted.

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

Action Tech Serv	Contr	400.00	Miller Monroe	Ins	71.00
Adkins Signs	Sup	735.00	Mullenax Auto	Sup	59.33
Allied Ins	Ins	250.00	Nationwide	Inv	78356.57
AMG-SF, LLC	Mdse	47.16	NC Museum Assoc	Contr	2406.25
Arbor Mart	Fuel	3317.00	NC Public School	Contr	6217.00
AVAC	Contr	337.52	NC Utilities	Util	66.14
Beacon Athletics	Sup	204.00	NCTC	Contr	6250.00
Berry	Adv	22.60	NE Environmental	Sup	341.06
Bob's Radiator Rep	Rep	98.00	NE Wisconsin Tech	Dues	75.00
Bound Tree	Sup	28.49	O'Reilly	Sup	33.73
Brown's Shoe	Unif	424.00	Omaha Tractor	Rep	44.64
Coca-Cola	Bev	527.33	Orscheln	Sup	429.32
Commercial Turf	Sup	925.00	Otoe County Clerk	Contr	808.00
D & D Comm	Rep	160.00	Otoe County Court	Contr	17.00
Dougle Eagle	Bev	129.60	Parker's	Conf	619.30
Douglas Tire Co.	Rep	1091.00	Patton, C	Mileage	66.27
Eggers Brothers	Sup	269.62	Payroll	Payroll	110508.20
EMS Billing	Contr	3023.29	Pite, D	Contr	349.50
Fareway Stores	Conc	107.04	Rhoades, V	Training	23.39
Food Pride	Conc	17.49	Right Choice Ptg	Grant	4800.00
Foremost Equip	Sup	94.99	Schmitz Land	Contr	452.50
Gatehouse Media	Adv	35.14	Shelter Home	Rep	180.00
Grimm's Gardens	Sup	82.78	Southard's	Rep	1872.73
Harland Tech Serv	Contr	1855.00	Spiral Comm	Grant	50000.00
Hornung's Golf	Sup	42.00	St. Mary's Hospital	Sup	508.85
J. Park, LLC	Contr	900.00	Strong, M	Contr	349.50
Jebro Inc.	Sup	1063.58	Tielke's	Conc	45.30
Jensen, C	Contr	41.25	Tim Engel Const	Rfnd	25.00
JEO Consulting	Contr	1537.50	Titan Machinery	Rep	1675.91
Konica Minolta	Contr	245.00	Tri-State Office	Sup	347.31
Kreifels Electric	Rep	242.50	Two Sisters Cng	Contr	225.00
Landis Engine	Sup	31.00	UHC	Ins	57822.12
Larson Motors	Rep	38.36	Verizon	Tele	380.64

Martin Marietta	Sup	204.52	Warner, J	Rfnd	100.00
Matheson Tri-Gas	Sup	104.27	Watkins	Sup	184.35
Matt Parrott	Sup	449.42	Wenzl Hardware	Sup	11.80
Michael Todd	Signs	1239.26	Zimco Supply Co.	Chem	2747.50

Mayor Hobbie opened the Public Hearing on the Class “T” liquor license application from Crystal Bennett DBA Fox Center, LLC. City Attorney David Partsch stated that the application was in proper order and that he had no problem with it. Chief Lacy submitted a letter stating that the police department was not aware of any adverse information concerning the applicant. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Commissioner Handy and seconded by Crunk to approve the Class “T” liquor license application for Crystal Bennett DBA Fox Center, LLC. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie informed the Council that he received an estimate of value from Tim Smulling for the four lots in Deer Trail Subdivision. Mr. Smulling estimated the value between \$1.00 and \$2.50 per square foot. Moved by Mayor Hobbie and seconded by Commissioner Handy to offer an open listing to all real estate agents in Nebraska City pricing the lots at \$1.50 per square foot and paying a 6% commission to the selling agent. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mr. Richard Hoch representing Mr. & Mrs. Joy Johnson presented photos of the property which the Johnson’s wish to have rezoned I-1 to erect a storage building and historical information on rezoning decisions by Nebraska City, City Councils. Mr. Hoch informed the Council that Mr. Stark had indeed voted for the identical rezone on the adjoining lot. Leonard Kaiser, Lacy Glasford and Teresa Johnson spoke in favor of the rezone. After lengthy discussion Mr. Johnson was requested to get signatures from neighboring property owners indicating no opposition to the rezone. Moved by Mayor Hobbie and seconded by Commissioner Handy to postpone action on this agenda item pending signatures from neighbors. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mr. Randy Bolton addressed the Council on personal issues he had with Allied Recycling and Refuse service. Mr. Bolton indicated that their prepay requirements were excessive when individuals are on hard times. Mr. Lee Wilson of Waste Connections stated that his company would work with Mr. Bolton to resolve the issue. No action taken.

Leroy Frana explained the purchase of a Silencer for Unit #2 at Power Plant #1. Moved by Stark and seconded by Crunk to approve the recommendation from the BPW to award a contract to Farabee Mechanical, Inc. in the amount of \$25,000.00. Upon roll call the following voted YES: Mercer, Handy, Crunk, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

City Attorney David Partsch informed the Council that he and Alan Viox are working on community standards for sidewalks and will prepare an informational sheet to distribute to property owners.

Mayor Hobbie introduced Ordinance No. 2936-14 entitled: AN ORDINANCE AMENDING SECTION 31-28 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL OTHER ORDINANCES AND 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 to suspend the rules and upon roll call the following voted YES: Crunk, Stark, 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 Stark. The Mayor then stated the question: “Shall Ordinance No. 2936-14 be passed and adopted?” Upon roll call the following voted YES: Mercer, Handy, Crunk, Stark 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. 2936-14

AN ORDINANCE AMENDING SECTION 31-28 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. SECTION 31-28 AMENDMENT:

That Section 31-28 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

Section 31-28. Management of systems.

The board of public works is hereby empowered to perform the following duties:

- (a) Operate, manage and maintain the city electric, natural gas, water works and sanitary sewerage systems and any and all property owned by the city and used in connection with the operation and maintenance of such public utilities, including the erection and construction of additions, extensions and improvements in and to such systems.
- (b) Purchase all materials and supplies for the operation and maintenance of such utility systems.
- (c) Collect all rates, charges, revenues and profits accruing on account of the ownership and operation of such utility systems.
- (d) Keep the accounts of cash received and disbursed on account of the operation and maintenance of such utility systems and of all amounts receivable and payable on account thereof.
- (e) Cause the public utilities to be audited separately from the other functions of the City on an accrual basis and containing statements and materials conforming to generally accepted accounting principles. Said audit shall be completed and an annual audit report submitted within six months after the close of the fiscal year, unless an extension of time shall be granted by written resolution adopted by the City Council. Such separate audit and conforming annual audit report may be by a different accountant than the one making the City’s general audit.
- (f) Perform such other acts as the board may deem expedient in the operation, maintenance and conduct of such utility systems and the business and services incident thereto.

(Ord. No. 800, § 4, 5-1-44; Ord. No. 819, § 1, 8-6-45; Ord. No. 823, § 2, 10-1-45; Ord. No. 1109, § 2, 2-5-62; Neb. Rev. Stat. § 19-2903)

SECTION 2. REPEAL:

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE:

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 June, 2014.

Jack Hobbie, Mayor

Ron McGinnis presented a Special Designated Liquor License application to cater a MMA event at Larson Motors on June 21. David Partsch informed the Council that the establishment Mr. McGinnis owns has received a citation for serving alcohol after hours. Moved by Crunk and seconded by Commissioner Handy to approve the SDL application by MT Hospitality, LLC. To serve alcohol at the June 21 MMA event. Upon roll call the following voted YES: Stark, Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Dan Giittinger explained the basis for Jim Gerking wanting to deed a portion of 8th Avenue back to the city. Moved by Commissioner Handy and seconded by Mercer to accept a portion of vacated 8th Corso adjacent to block 56, South Nebraska City. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Rick Shallenberger addressed the Council with his offer to purchase a portion of vacated 15th Street between Blocks 46 & 47, Hail & Co. for \$100.00. Moved by Stark and seconded by Mercer to sell 15th Street between Blocks 46 & 47; Hail & Co. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

Moved by Commissioner Handy and seconded by Mercer to sell a portion of vacated south 15th Street between blocks 54 & 55, Hail & Co. Upon roll call the following YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mr. Crunk exited the meeting at 7:13 p.m.

Joe Johnson presented the revised RFP for Solid Waste removal for Nebraska City residents and businesses. Mr. Johnson explained that vendors can submit proposals in four different ways with the last way being the vendor can design his/her own proposal. Moved by Stark and seconded by Commissioner Handy to approve the RFP and authorize staff to advertise for proposals. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

Lars Larson addressed the Council requesting the City vacate Frontage Road adjacent to their property. Mayor Hobbie asked Mr. Larson "If the Council approves this vacation will Larson accept the street?" Moved by Commissioner Handy and seconded by Stark to vacate Frontage Road as described in the plat and direct the City Attorney to draft an ordinance for the next meeting. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Meeting adjourned at 7:25 p.m.

Arnold M. Ehlers, City Clerk - Treasurer