

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
June 3, 2013

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 June 3, 2013. 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 William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Handy moved to approve the minutes of the May 20, 2013, City Council Regular Meeting, seconded by Crunk. Upon roll call the following voted YES: Crunk, Handy, Stark, and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion adopted.

Commissioner 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.

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Jolene Block and Lynn Heng to the Planning Commission for three year terms effective July 1, 2013. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie opened the Public Hearing on the request by Dan Kelly of St. Mary's Hospital to allow hospitals as a permitted use in R-1, R-2 and R-O zoning districts. Dan Güttinger explained the zoning process in general and the specifics of the Planning Commissions unanimous vote to not change R-2 to permit hospitals. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Stephanie Shrader presented the Quarterly Report of Nebraska City Area Economic Development Corporation. Mayor Hobbie asked that the report be placed on file.

Moved by Mercer and seconded by Commissioner Handy to direct staff to prepare documents allowing hospitals as a permitted use in a commercial district. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2913-13 entitled AN ORDINANCE TO VACATE 9th AVENUE BETWEEN BLOCKS 20 and 21, ELMWOOD ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, 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: Stark, 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. 2913-13 be passed and adopted?" Upon roll call the following voted YES: Stark, 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. 2913-13
AN ORDINANCE TO VACATE 9th AVENUE BETWEEN BLOCKS
20 and 21, ELMWOOD ADDITION TO THE CITY OF NEBRASKA

CITY, OTOE COUNTY, NEBRASKA, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, a request has been made by Margaret Spires, the owner of property adjacent to 9th Avenue between Blocks 20 and 21, Elmwood Addition to Nebraska City, described in Section One hereof be vacated, and

WHEREAS, because of the location of said property, the Mayor and City Commissioners of Nebraska City have determined the City no longer has a need for 9th Avenue between Blocks 20 and 21, Elmwood Addition to Nebraska City, Otoe County, Nebraska, and hereby approves the vacation of said street.

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

SECTION 1. That 9th Avenue between Blocks 20 and 21, Elmwood Addition to Nebraska City, Otoe County, Nebraska, be and the same is hereby vacated.

SECTION 2. 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 3rd day of June, 2013.

Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2601-13 correcting City contribution language in the Police Retirement Plan. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2601-13. Upon roll call the following voted YES: Stark, 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 2601-13

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA;

RESOLVED, that effective October 1, 2013, Section 4.1(b), Formula for Determining Employer Contribution, of the City of Nebraska City, Nebraska Police Officers' Retirement Plan, is amended and shall read: For each Plan Year, the Employer shall contribute an amount equal to 100% of the amount deducted in Section 4.1(b).

RESOLVED, that the undersigned is hereby authorized to execute, on behalf of the Employer, all documents necessary to effect the changes authorized herein.

Arnold M. Ehlers, City Clerk – Treasurer

Mayor Hobbie introduced Resolution 2602-13 correcting City contribution language in the General Employees' Pension Plan. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2601-13. Upon roll call the following voted YES: Stark, 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 2602-13

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA;

RESOLVED, that effective October 1, 2013, Section 4.1(b), Formula for Determining Employer Contribution, of the City of Nebraska City, Nebraska General Employees' Pension Plan, is amended and shall read: For each Plan Year, the Employer shall contribute an amount equal to 100% of the amount deducted in Section 4.1(b).

RESOLVED, that the undersigned is hereby authorized to execute, on behalf of the Employer, all documents necessary to effect the changes authorized herein.

Arnold M. Ehlers, City Clerk – Treasurer

Dan Giittinger explained the request by the Nebraska City Church of Christ to purchase City owned property on the North side of 11th Corso between 10th and 11th Streets. Moved by Mercer and seconded by Commissioner Handy to approve the sale of City owned property North of 11th Corso between 10th and 11th Streets for \$100.00 plus all costs after final approval of legal description by Council. Upon roll call the following voted YES: Crunk, Stark, Handy, Mercer, and Mayor Hobbie. Voting NO: None. Motion passed.

A-1 Locksmith	Rep	142.25		Matheson Tri-Gas	Supp	61.87
ACCO	Supp	183.95		Matt Parrott	Supp	417.26
Action Tech Svc	Contr	412.50		McNeely, J	Rfnd	100.00
Alamar Uniforms	Unif	61.50		Midwest Turf	Supp	234.87
Allied Ins	Bond	250.00		Miracle Mudjacking	ROW	2670.00
Arbor Mart	Fuel	4443.72		Molly McNeely	Contr	2868.06
AVAC	Contr	136.56		Monitor Prod	Adv	297.00

Arguello, E	Rfnd	45.00	Mullenax	Supp	149.13
Auburn Newspapers	Adv	80.40	Nationwide	Inv	22360.59
Baird Holm	Contr	1824.00	NC Clerk - Treasurer	Misc	65.17
Berry	Adv	46.55	NC Housing Authority	Dues	7500.00
Bob's Welding	Rep	252.72	NC Museum Assoc	Contr	2406.25
Boerma, J	Rfnd	25.00	NC Public School	Contr	6080.00
Bohl Plbg	Rep	1986.67	NCTC	Contr	5416.67
Bound Tree	Supp	1123.10	NE Dept of Road	ROW	2869.80
BSN Sports	Supp	350.99	NE Law Enforcement	Trng	190.00
Cede and Co	Bond	48892.55	O'Flaherty, J	Trng	203.85
Cintas Corp	Supp	62.42	O'Reilly Auto	Supp	30.95
Connell, K	Rfnd	25.00	Omaha Tractor	Supp	262.16
Consolidated Mgmt	Trng	67.75	Orscheln	Supp	281.43
Crossfield, K	Rfnd	41.40	Otoe County Clerk	Contr	2202.50
Crumley, J	Trng	167.64	Payroll	Payroll	173159.98
Double Eagle	Conc	388.10	Pepsi-Cola	Conc	116.80
Eggers Brothers	Supp	62.95	Pfeiffer, R	Rfnd	99.13
Ervin, R	Rfnd	25.00	Pine Acres	Misc	175.00
Fareway Foods	Contr	8323.44	SAT/Tech	Postage	8.47
Fareway	Conc	107.47	Schmitz Land Survey	Misc	120.00
Fire Protection Svc	Rep	56.25	Schneider Elec	Rep	1042.87
Food Pride	Supp	31.15	Whipple, S	Dues	70.00
Fry & Associates	Supp	1170.00	SE Community Band	Contr	200.00
Galls	Unif	110.47	Southard's	Rep	823.15
Gatehouse Media	Adv	33.30	Super 8 Motel	Trng	150.00
Hopkins Auto	Supp	54.77	Texas Refinery Corp	Supp	347.75
JEO	Contr	9927.50	Thurman's Bike	Contr	9769.22
Jerry's Landscaping	Contr	75.00	Tielke's	Conc	50.13
K & Z Dist	Conc	116.40	Tri-State Office	Supp	219.33
Konica Minolta	Contr	245.00	Tri-State Pumping	Rep	1480.00
Kreifels Electric	Rep	1162.78	Two Sisters Cng	Contr	275.00
Kreikemier, A	Trng	208.65	Verizon	Tele	460.30
Landis	Equip	386.85	Vidacare	Supp	449.34
Larson Motors	Rep	756.56	Watkins	Supp	60.37
LaRue Coffee	Supp	284.00	Wenzl Hdwe	Supp	1.75
Loveland Grass	Chem	326.35	Yamaha Golf	Supp	9.50

Meeting adjourned at 6:48 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