

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
June 7, 2010

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 7, 2010. 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 Jack 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, Mark Mercer and Mayor Hobbie. The following City Officials were present: City Administrator Pat Haverty, Deputy City Clerk Mary W. Wallen, City Attorney William Davis, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the May 17, 2010, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to approve the minutes of the June 1, 2010, Special Meeting, seconded by Commissioner Crunk. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Commissioner Handy moved to approve a plumber's license seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie moved to re-appoint Bill Roker to the Economic Development Loan Fund Review Committee, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie moved to re-appoint Cathy Briley to the Planning Commission for a three-year term, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie moved to re-appoint Kathy Davenport to the Planning Commission for a three-year term, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie moved to appoint James Fleissner as a probationary member of the Nebraska City Fire and Rescue Department, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Dan Giittinger, Zoning Administrator, gave the Council an update on the 11th Street Widening and 11th Corso Widening and 11th Corso Realignment Project.

Stephanie Shrader presented the Nebraska City Area Economic Development Quarterly Report. Mayor Hobbie accepted the reports and asked that they be placed on file.

Mayor Hobbie introduced Resolution 2475-10 revoking the liquor license of Limitless Frontier Investments, LLC dba "Good Times at Stanley's." Commissioner Handy moved to approve Resolution 2475-10, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. ABSTAIN: Gay. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2475-10

An Order Canceling and Revoking the Liquor License issued to Limitless Frontier Investments, LLC, doing business as Good Times at Stanley's, 704 Central Avenue, Nebraska City, Otoe County, Nebraska.

This matter came on for hearing before the Mayor and City Commissioners of the City of Nebraska City, at the written request of David Lacy, Chief of Police, Nebraska City, Nebraska, to suspend the Liquor License issued Limitless Frontier Investments, LLC, d/b/a Good Times at Stanley's, at 704 Central Avenue, Nebraska City, Nebraska.

Upon consideration of the evidence, the Mayor and City Commissioners of the City of Nebraska City find and determine as follows:

- 1) That notice of this proceeding was mailed to the Licensee, Lisa Winterstein, President of Limitless Frontier Investments, LLC, d/b/a Good Times at Stanley's, on the 26th day of May, 2010.
- 2) That a Notice of Hearing was published in the Nebraska City News Press on May 21, 2010, and a copy of the Proof of Publication, was received into evidence as Exhibit "B", as a part of said proceeding.
- 3) That Lisa Winterstein, President of Limitless Frontier Investments, LLC, appeared at said hearing with her attorney, Mr. John M. Boehm, of Lincoln, Nebraska.
- 4) That the Liquor License heretofore issued by the Nebraska Liquor Control Commission to Limitless Frontier Investments, LLC, should be and is hereby revoked for violating ordinances of the City of Nebraska City, Nebraska, and provisions of the Nebraska Liquor Control Act.
- 5) That the Mayor and Commissioners of the City of Nebraska City further find and determine that a copy of this Resolution be mailed by the City Clerk-Treasurer to Lisa Winterstein, President of Limitless Frontier Investments, LLC, at 704 Central Avenue, Nebraska City, NE 684110; to John M. Boehm, Attorney at Law, its attorney, at 811 So. 13th St., Lincoln, NE 68508; and to the Nebraska Liquor Control Commission, c/o Mr. Hobert B. Rupe, Executive Director, at 310 Centennial Mall South, Lincoln, Nebraska, 68509.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS of the City of Nebraska City, Nebraska, that the Liquor License heretofore issued to Limitless Frontier Investments, LLC, d/b/a Good Times at Stanley's, be and the same is hereby revoked.

Passed and approved this 7th day of June 2010.

City Administrator Pat Haverty introduced the topic of the bids for the "Livingston Project." He said that because there was some misunderstanding about how much tuck pointing needs to be done to the existing walls all bids far exceeded the estimate. The architects will clarify some items and revise the bid document. Mr. Haverty requested the Council reject all bids received and authorize staff to re-advertise for bids for the "Livingston Project." Commissioner Mercer moved to reject all bids received and authorize staff to re-advertise for bids for the "Livingston Project." Commissioner Gay seconded the motion and on roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Gay moved to award a contract to the lowest bidder, Barrett Construction, for the "Paap Parking Project" in the amount of \$50,818.90 and authorize the mayor to sign seconded by Commissioner Mercer. Voting YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve a request by Roy Schneider, Duff's Friendship Villa, to close 12th Street from 3rd Avenue North to Alley on June 11th from 3 pm to 9 pm, seconded by Commissioner Gay. Voting YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance 2804-10 entitled AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PART OF SECOND STREET AS DESCRIBED IN SECTION 1 HEREOF, TO PAUL SMALLEY AND CARLENE SMALLEY, DIRECTING NOTICE OF SALE BY PUBLICATION; AND PROVIDING FOR 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: Gay, Crunk, Handy, Mercer 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. 2804-10 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, 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 Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Deputy Clerk attested the passage and approval of the same and affixed her signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2804-10

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PART OF SECOND STREET AS DESCRIBED IN SECTION 1 HEREOF, TO PAUL SMALLEY AND CARLENE SMALLEY, DIRECTING NOTICE OF SALE BY PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Paul Smalley and Carlene Smalley, husband and wife, have requested the sale and conveyance by Quitclaim Deed to the real estate hereinafter described and the Mayor and City Commissioners of Nebraska City, Nebraska, have approved said sale for the consideration hereinafter stated:

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

Section 1. That the City of Nebraska City does hereby sell to Paul Smalley and Carlene Smalley, as joint tenants with rights of survivorship, for the consideration of Ten Dollars (\$10.00), plus all expenses involved in this sale, including legal expenses, advertising charges and filing fees, and subject to existing taxes and special assessments, if any, and also subject to any existing easements, the following described property:

All rights and interest of Grantor in that portion of Second Street, between the south right-of-way line of Central Avenue and the south line of Second Corso extended easterly, lying East of the Union Pacific Railroad tracks running in a general North/South direction in or near said Second Street, for the purpose of maintaining a private drive for access to and from the residence located on Lots 8-11 of Block 85, all in the City of Nebraska City, Otoe County, Nebraska, all without express or implied warranty by Grantor,

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a quitclaim deed to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Paul Smalley and Carlene Smalley, as joint tenants with rights of survivorship..

Section 2. That the City Clerk-Treasurer is hereby directed to publish in the Nebraska City News Press, a newspaper published and of general circulation in the City of Nebraska City, immediately after the passage and publication of this ordinance, a notice of said sale for three consecutive weeks.

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said Quitclaim Deed to the purchaser of said real estate, after the publication of notice as hereinbefore provided and after thirty days from the passage and publication of this ordinance, and upon payment by the purchaser of said consideration in cash.

This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 7th day of June 2010.

City Attorney Bill Davis explained to the Council that the City would not be able to collect the lien it had placed on the property located on Lot Nine (9) Block Forty-three (43), Prairie City Addition to Nebraska City, Otoe County, NE because tax liens are superior to special assessment liens. By releasing the lien, the lien would cease to show on the title. Commissioner Mercer moved to release the lien on the property located at Lot 9; Block 43, Prairie City Addition to Nebraska City, Otoe County, NE, seconded by Handy. Voting YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

On motion duly made and seconded the meeting adjourned at 6:35 p.m.

ACCO	464.70 Supp	Lesco	166.14 Equip
Action Tech	400.00 Contr	Lifeguard Store	227.75 Supp
AD&D Technical	773.50 Misc	Linweld	561.00 Med
Adkins Signs	504.00 Supp	Lollmann, J	262.85 Travel
Afternooners	681.89 Misc	Martin Marietta	1,764.74 Maint

Alamar	934.19 Unif	MD Aquatics	1,168.00 Contr
Alco	188.67 Supp	Mead Lumber	307.06 Rep
Allied Insurance	250.00 Bond	Med Safety Service	91.35 Med
Allied Refuse	364.59 Garbage	Mid-Ame Termite	43.48 Pest Control
AlmostGolf	240.90 Msde	Mid-Con Systems	24.79 Supp
Angus, C	51.71 Mileage	Midwest Co-op	368.45 Misc
Arbor Mart	4,069.00 Fuel	Miller Monroe	19,338.00 Ins
Auburn Newspress	75.00 Advert	MOCIC	150.00 Dues
AVAC	283.50 Contr	Montgomery, S	100.00 Misc
Bill Walters & Son	1,921.00 Rep	Mullenax Auto	227.33 Rep
Bishop Plumbing	7.00 Supp	Nationwide	10,171.02 Ins
Bob's Welding	27.50 Rep	NC Newspress	892.94 Advert
Bohl Plumbing	1,323.83 Rep	NCAEDC	8,725.00 Contr
Bound Tree Med	6,658.80 Med	NCTC	5,312.50 Contr
Briley, D	250.47 Travel	NCVFD	20,000.00 Contr
Brown's Shoe	8.95 Postage	NE Comm Found	2,291.67 Contr
Callaway	78.40 Msde	NE Crime Comm	15.00 Supp
Casey's	187.29 Fuel	NE Golf	35.20 Equip
Century Lumber	1.18 Rep	NE Law Enforcement	312.00 Training
Cintas	110.00 Contr	O'Flaherty, J	270.41 Travel
Citizen Printing	621.00 Supp	Omaha Tractor	100.80 Equip
City Tire	41.00 Rep	OMB's Express	756.43 Ammo
Concrete Industries	221.40 Maint	O'Reilly Auto	22.25 Rep
Creighton Medical	285.00 Med	Orscheln	571.30 Rep
Data Tech	1,644.00 Sftwre	Otoe Co Clerk	1,923.07 Contr
Don's Johns	130.00 Contr	Otoe Co Reg Deeds	22.00 Advert
Douglas Tire	986.27 Rep	Paper Tiger	105.00 Contr
Earl May	585.67 Seed	Payroll	142,332.09 Payroll
Ehlers, A	211.50 Mileage	Pepsi-Cola	504.60 Contr
EMS Billing	4,203.10 Contr	Petty Cash	15.36 Postage
Engel Construction	176.62 Rep	Physio-Control	496.00 Med
Farris, M	2.75 Supp	Roofers, Inc.	2,517.50 Rep
Fire Protection	101.25 Maint	Schendel Pest	178.00 Pest Control
Fireguard	272.25 Rep	SEND D	606.60 CDBG
Food Pride	209.14 Conc	Sleuth Software	959.44 Sftwre
Fore! Reservation	700.00 Sftwre	St. Mary's Hospital	228.24 Med
Giittinger, D	55.00 Mileage	Stukenholtz, T	62.50 Misc
Heartland Class Ad	153.63 Advert	Sutphen Corp	317.60 Rep
Hemmer Garage	377.27 Rep	Sysco	86.00 Conc
Hockenbergs	1,524.00 Equip	Thurman's Bike	202.70 Equip
Hopkins Auto	79.45 Rep	Tielke's Sandwiches	26.94 Conc
Hornung's Golf	240.12 Msde	Tom's Radio	420.00 Contr
ICC	845.00 Supp	Tree City Tees	18.00 Unif
Ideal Pure Water	91.60 Contr	Tri-State Office	690.57 Supp
In the Swim	26.66 Supp	Tri-State Pumping	350.00 Rep
Isaacs, J	1,021.00 Misc	Two Sisters Cleaning	225.00 Contr
Jebro	1,029.88 Maint	Van Wall Turf	102.69 Equip
JEO Consulting	891.75 ROW	Verizon Wireless	719.30 Tele
Jones Automotive	279.00 Rep	Viox, A	242.00 Mileage
Kearney Hub	145.60 Advert	W. Yost Trucking	290.44 Maint
Konica Business	120.33 Contr	Watkins True Value	383.02 Rep
Konica Premier	238.68 Contr	Wenzl Hardware	12.50 Rep
Landis Engine	134.89 Equip	Whipple, S	202.30 Travel
Larson Motors	293.73 Rep	Wood Family Fuel	133.75 Fuel
LaRue Coffee	394.98 Supp	WW Artists	26.75 Contr

Mary Wallen, Deputy Clerk