

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
June 18, 2012

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 18, 2012. 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: Brett Gay, 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 June 4, 2012, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion adopted.

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

Moved by Commissioner Handy and seconded by Crunk to pay Claim #7250R. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to re-appoint Roxie Barker to the Cemetery Board. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Bailey Blankenship and Cathy Suhr as probationary members of the Nebraska City Volunteer Fire and Rescue Department. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie announced that there will be a Citywide garage Sale on June 23, 2012.

Joe Johnson provided the monthly departments reports to the Council. The Treasurer reported a beginning balance May 1, 2012 of \$1,123,033.13, revenues of \$971,758.47, expenses of \$1,311,096.71, leaving a balance on hand as of May 31, 2012 of \$783,694.89. Mayor Hobbie asked that the reports be placed on file. Stephanie Shrader provided financials for Nebraska City Area Economic Development Corp.

Nathan Martin asked the Council for permission to erect a flag pole in River View Nature Park for an Eagle Scout Project. Moved by Commissioner Mercer and seconded by Crunk to approve the request by Nathan Martin to erect a flag pole in River View nature Park and that the City would provide the first flag. Upon roll call the following voted YES: Handy, Gay, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed. Mercer directed Scout Martin to have the City Administrator approve plans and placement.

Garry Gillespie petitioned the Council to eliminate 2 hour parking restriction north of the alley between Central Avenue and 1<sup>st</sup> Avenue. A discussion on not being consistent on 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Streets with the 2 hour parking restriction ensued. Amy Allgood opposed removing the parking restriction stating that people could use the Public Parking Lot or walk from 1<sup>st</sup> Avenue. Tammy Maybee has downtown apartments and business and all her employees and tenants park in the lot, so she did not feel that a change was necessary. Garry Gillespie asked the Council if he could apply for a curb cut and use the space north of his house for parking. He was informed that he could apply for a curb cut. Moved by Mayor Hobbie and seconded by Commissioner Handy to deny the request to eliminate the 2 hour parking restriction. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Maria, Manager of Applewood Mobile Home Park requested financial assistance with the removing of trash from North Table Creek. Residents from Applewood Mobile Home Park have disposed of trash by dumping it over the hill into North Table Creek. Maria contends that a significant portion of the trash has been left there by residents of Nebraska City and not her residents. Commissioner opposed any financial assistance stating the we would be using public funds for private individuals. Moved by Commissioner Handy and seconded by Mercer to deny the request to pay 50% of the costs to transport the trash from Applewood Mobile Home Park. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2884-12 entitled AN ORDINANCE TO AMEND SECTION 5-6 OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE HOURS OF SALE OF ALCOHOLIC LIQUORS; TO REPEAL THE ORIGINAL SECTION 5-6; AND TO PROVIDE 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: Mercer, Gay, Crunk, 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. 2884-12 be passed and adopted?" Upon roll call the following voted YES: Mercer, Gay, Crunk, 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. 2884-12

AN ORDINANCE TO AMEND SECTION 5-6 OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE HOURS OF SALE OF ALCOHOLIC LIQUORS; TO REPEAL THE ORIGINAL SECTION 5-6; AND TO PROVIDE FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Nebraska City, Nebraska:

Section 1. That Section 5-6, of the Code of the City of Nebraska City, Nebraska, be and is hereby amended to read as follows:

**Section 5-6. Hours of sale.**

- (a) Class A & B Licenses; beer only, off and on sale:
  - (1) Weekdays, 8:00 a.m. to midnight.
  - (2) Sunday, 1:00 p.m. to midnight.
- (b) Class D Licenses; off sale:
  - (1) Alcoholic liquors, including beer and wine; Weekdays, 8:00 a.m. to midnight
  - (2) Beer and wine; Sunday 1:00 p.m. to midnight.
  - (3) Alcoholic liquors; Sunday, 1:00 p.m. to midnight.
- (c) Class I Licenses, including non-profit corporations, for consumption on the premises:
  - (1) Alcoholic liquors, including beer and wine; Weekdays, 6:00 a.m. to 1:00 a.m.
  - (2) Beer and wine; Sunday 1:00 p.m. to 1:00 a.m.
  - (3) Alcoholic liquors; Sunday, 1:00 p.m. to 1:00 a.m.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

Section 2. That the original Section 5-6 of the Code of the City of Nebraska City, Nebraska, and all ordinances in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and approved this 18<sup>th</sup> day of June, 2012.

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Jack Hobbie, Mayor  
Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

Amy Allgood addressed the Council requesting use of Steinhart Park on June 30, 2012 as well as showers at Steinhart park Pool for the 2<sup>nd</sup> Annual ‘Run with the Big Dogs’. Moved by Commissioner Crunk and seconded by Commissioner Gay to approve the request by Amy Allgood to use Steinhart Park and Steinhart Park Bathhouse and for Dan Giittinger to make sure barricades were provided for the 5k ‘Run with the Big Dogs’. Upon roll call the following voted YES: Handy, Mercer, Gay, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson presented the results of the Request for Proposals for structural engineering services for condition assessment of problem properties. Proposals were received from Prochaska & Assoc., Larson Engineering, Inc., and Olsson Associates. Moved by Commissioner Mercer and seconded by Commissioner handy to award the contract to the low bidder Prochaska & Assoc. for ‘on-call’ structural engineering for nuisance structures and authorize the Mayor to sign. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced the item of unpaid loan for Lil’ Dickie’s. Moved by Commissioner Mercer and seconded by Commissioner Handy to instruct the City Attorney to file suit against all parties, both jointly and severally, who personally guaranteed the loan for Lil’ Dickie’s for any and all unpaid principle and accrued interest. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and mayor Hobbie. Voting NO: None. Motion passed.

Terry Olney presented a request to vacate 13<sup>th</sup> Corso between 4<sup>th</sup> and 5<sup>th</sup> Street. Barbara Jordan immediately interrupted stating that she was representing the owners of the property to the south and that she was opposed to the vacating of the street as she would lose the use of a rear driveway. She did state that she would not oppose the vacation of 13<sup>th</sup> Corso in that block if she could still use the other owners private drive. It was suggested that a survey be done to determine actual center of 13<sup>th</sup> Corso in that block. Ms. Jordan stated how bad the City has been measured which is creating these encroachment problems. Moved by Mayor Hobbie and seconded by Commissioner Gay to postpone action on this request until a survey and specific request is provided by one or both of the property owners. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson presented a slide show of the potential benefits to Nebraska City from LB357 recently passed by the legislature. LB357 allows cities to implement an additional half cent sales tax for capital improvements. There are several stipulations attached to LB357 making sure that a majority of citizens approve of the improvements. Joe provided 12 to 15 areas that the funds could be used. Joe stated that he will make this presentation to as many groups as possible in the next 5-6 weeks.

Joe Johnson provided a synopsis of the City owned structure located at 405 Central Avenue which is no longer needed. Options included repairing the structure, selling the structure and demolishing the structure. He asked the Council to approve staff advertising for proposals to determine interested parties plans for the property. Moved by Commissioner Gay and seconded by Mayor Hobbie to request proposals from interested parties for plans to improve and use of 405 Central Avenue. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and mayor Hobbie. Voting NO: None. Motion passed.

Jason Esser was present to request permission to have outside bands at the End Zone Bar on June 30, July 28, Aug 18 and Sept 29 as well as Karaoke on other nights. He was asked if there would be any noise problems for neighbors. He stated that the last time they had an outdoor band there was a noise complaint and the band immediately turned down the volume and that he would act accordingly if there were any noise complaints. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the request by Jason Esser to have outside bands and karaoke. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

ACCO	1,380.47	Supp	Matheson Tri-Gas	128.50	Med
Adkins Signs	120.00	Supp	Matt Parrott and Son	408.66	Supp
Alamar Uniforms	21.23	Unif	MD Aquatics, LLP	1,178.00	Contr
Ambassador Wellness	40.00	Dues	Med and Safety Svc	166.85	Supp
American Red Cross	300.00	Dues	Mercer's Do-It-Best	149.08	Supp
Arbor Mart, Inc	2,926.05	Fuel	Michael Todd Co	462.70	Rep
Arbor Outdoor Power	165.57	Supp	Microfilm Imaging	80.00	Contr
Bennett, R	310.26	Contr	Mid-Con Systems	647.35	Unibol
Bob's Welding Shop	49.70	Rep	Midwest Farmers	148.40	Chem
Bohl Plumbing	1,678.87	Rep	Midwest Striping	2,766.75	Supp
Bound Tree	952.11	Med	Mullenax Auto	118.60	Supp

Brown's Shoe	145.00	Unif	Nationwide	4,229.01	Inv
BSN Sports	95.97	Rep	Nationwide	9,929.41	Inv
Card Services	495.44	Misc	NC Clerk-Treas	75.00	Misc
Casey's	454.69	Fuel	NC Jaycees	3,500.00	Misc
Cintas	68.30	Contr	NCPS	80.00	Contr
Concrete Industries	1,986.79	Maint	NC Utilities	10,946.47	Util
Crouse, J	25.00	Rfnd	NE Dept of Revenue	2,435.16	Sls Tax
Don's Johns	120.00	Contr	NE Turfgrass Assoc	40.00	Dues
Douglas Tire Co.	195.95	Rep	O'Reilly Auto Parts	7.99	Supp
EMS Billing Svcs.	4,197.05	Contr	Orscheln	81.92	Supp
Fareway Stores, Inc.	193.94	Conc	Otoe County Clerk	8,152.59	Contr
Food Pride	106.27	Conc	Otoe County Court	98.50	Contr
Foremost Equipment	350.00	Rep	Payroll	100,229.60	Payroll
Gatehouse Media	825.98	Advert	Pepsi-Cola	617.45	Conc
Griepenstroh, D	25.00	Rfnd	PGA of America	491.00	Dues
Harding & Shultz	3,784.94	Legal	Recker, S	61.00	Fuel
Ideal Pure Water	151.84	Supp	River View Pest	407.00	Pst Cntrl
Industrial Sales	49.80	Rep	Sanchez, J	25.00	Rfnd
Jebro Inc.	1,029.88	Maint	Schneider Electric	915.37	Rep
Jerry's Landscaping	150.00	Rep	Smith, L	70.00	Misc
Johnson, J	378.72	Mileage	Tielke's Sandwiches	26.94	Conc
K&Z Distributing	122.40	Conc	Tri-State Office	421.00	Supp
KNCY AM-FM	121.20	Advert	Verizon Wireless	16.74	Tele
Knook & Kranny	2,300.00	Contr	Voice News	130.00	Advert
Konica Minolta	390.60	Contr	Watkins True Value	99.46	Supp
Kreifels Electric, Inc.	1,906.30	Rep	Wenzl Hardware	5.29	Rep
Landis	39.27	Rep	Wildwood Artists	1,899.60	Artists
Larson Motors	137.04	Rep	Windstream, Inc.	2,352.27	Tele
Larson Motors	17,482.00	Equip	Wood Family Fuel	84.00	Fuel
Loveland Grass Pad	113.90	Chem	Wurtele Distributing	286.44	Conc

Meeting adjourned at 7:38 p.m.

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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.

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Arnold M. Ehlers, City Clerk-Treasurer