

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
June 20, 2011

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 20, 2011. 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 Pat Haverty, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Handy moved to approve the minutes of the June 6, 2011, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Moved by Commissioner Handy and seconded by Commissioner Mercer to approve the Electrician's Work Permit for Joseph Mislivec. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Mercer to appoint the following individuals; Duane Arends and Dorothy Royal to the Cemetery Board, Jeanette Eilers to the Board of Public Works, Rick Freshman, Charles Stoner and Richard Gibson to the Planning Commission and Jim Kuhn to the LB840 Review Committee. Upon roll call the following voted YES: Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

Mayor Hobbie moved to appoint Joseph J. Johnson as City Administrator effective June 27, 2011, seconded by Commissioner Handy. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

City Clerk Arnold M. Ehlers then administered the oath of office to Joseph J. Johnson.

Mayor Hobbie opened the Public Hearing on the request by several downtown businesses to award a grant to NCTC of \$23,000.00 to place two billboards encouraging travelers to "Visit Nebraska City" on I-29. Stephanie Shrader provided information on the request. No one else spoke in support or opposition to the request for funds. Moved by Commissioner Handy to close the Public Hearing and seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

The Treasurer's Report showed a beginning balance on May 1, 2011 of \$2,164,242.49 with revenues of \$648,497.38, expenditures of \$551,364.49 leaving \$2,261,375.38 on May 31, 2011. Mayor Hobbie asked that the Treasurer's Report be placed on file.

Mayor Hobbie introduced Resolution 2530-11 approving the grant to NCTC in the amount of \$23,000.00 for billboards. Moved by Commissioner Gay and seconded by Commissioner Handy to approve Resolution 2530-11. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2530-11

TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY ECONOMIC DEVELOPMENT PROGRAM (LB840)

WHEREAS, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,

WHEREAS, Program funds for Economic Development are allowed to be used for making grants for spurring downtown revitalization, the attraction of new capital investment through business development and to promote tourism in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

WHEREAS, the City of Nebraska City Economic Development Plan has previously been adopted, and,

WHEREAS, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible entity for a grant of \$23,000 under specified conditions, and,

WHEREAS, the City Council of Nebraska City conducted a public hearing upon the proposed use of Economic Development Program funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the grant project for **“Nebraska City Tourism and Commerce (NCTC) which is serving as an intermediary/administrative support for a group of independent Nebraska City merchants”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 20th day of June, 2011 by the Mayor and Council of the City of Nebraska City, Nebraska.

Jack Hobbie, Mayor

ATTEST: _____
Arnold M. Ehlers, City Clerk

Evan Wickersham of JEO Consulting presented the Council with the Plans and Specs for the 2nd Street Gap Paving Project. The estimated cost will be \$83,408.00 and includes lowering approximately 175’ of waterline. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the Plans and Specs as presented and authorize staff to advertise for bids. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None Motion passed.

Leroy Frana, General Manager of Nebraska City Utilities presented the recommendation by the Board of Public Works to approve the purchase of two Gorman-Rupp T8 Water Pumps for emergency service to pump water directly from the Missouri River in the unlikely event that the well field should need to be shut down. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the purchase of two Gorman-Rupp T8 Water Pumps in the amount of \$39,915.00. Upon roll call the following voted YES: Mercer, Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2851-11 entitled: AN ORDINANCE TO ESTABLISH A SCHEDULE OF RATES TO BE CHARGED FOR SANITARY SEWER SERVICE FURNISHED BY THE COMBINED UTILITY SYSTEM OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO REPEAL ORDINANCE No. 2673-06 OF THE CITY OF NEBRASKA CITY; 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, Gay, 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. 2851-11 be passed and adopted?” Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk and Gay. 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. 2851-11

AN ORDINANCE TO ESTABLISH A SCHEDULE OF RATES TO BE CHARGED FOR SANITARY SEWER SERVICE FURNISHED BY THE COMBINED UTILITY SYSTEM OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO REPEAL ORDINANCE No. 2673-06 OF THE CITY OF NEBRASKA CITY; AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That the following sewer service rates and charges are established and shall become effective on September 1, 2011, and on September 1 of each of the subsequent years as shown below.

Residential Sewer

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Customer Charge (\$/mo.)	\$16.84	\$18.10	\$19.45
Commodity Charge (\$/ccf)	\$1.724	\$1.854	\$1.993

Residential sewer commodity charges shall be based on the water consumed during the preceding consecutive months of December, January, and February and shall be the same amount for each of the following billing periods. Customers that have an established sewer charge and change residences during the established twelve months period will retain the same sewer charge until it is recalculated after the next December, January and February usage period. Customers that close their water account during or prior to the calculation months of December, January and February and reopen their account following those months, shall have their sewer charge based on the lowest single full month of water consumed in the prior twelve month period.

Commercial Sewer

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Customer Charge (\$/mo.)	\$16.84	\$18.10	\$19.45
Commodity Charge (\$/ccf)	\$1.724	\$1.854	\$1.993

The commercial commodity charge shall be based on the water consumed during the billing month.

Multiple Units

Residential

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Customer Charge (\$/mo.)	\$6.00	\$6.45	\$6.93
Customer Charge (\$unit/mo.)	\$10.84	\$11.65	\$12.52
Commodity Charge (\$/ccf)	\$1.724	\$1.854	\$1.993

Commercial

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Customer Charge (\$/mo.)	\$6.00	\$6.45	\$6.93
Customer Charge (\$unit/mo.)	\$10.84	\$11.65	\$12.52
Commodity Charge (\$/ccf)	\$1.724	\$1.854	\$1.993

Motels

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Customer Charge (\$/mo.)	\$16.84	\$18.10	\$19.45
Plus (\$/unit/mo.)	\$2.218	\$2.384	\$2.563
Commodity Charge (\$/ccf)	\$1.724	\$1.854	\$1.993

All multiple unit sewer commodity charges shall be based upon the water consumed during the billing period.

Industrial Rate

Industrial Sewer

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Customer Charge (\$/mo.)	\$246.40	\$264.90	\$284.75
Commodity Charge (\$/ccf)	\$1.724	\$1.854	\$1.993

Biochemical Oxygen Demand

(BOD) (\$/Lb.)	\$0.125	\$0.134	\$0.144
Suspended Solids (SS) (\$/Lb.)	\$0.111	\$0.117	\$0.126

Industrial sewer commodity charges shall be based on the volume of wastes discharged during the month and are subject to BOD and SS adjustment for abnormal strength of waste.

Tank Truck Rate

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Charge per Tank Truck (\$/load)	\$92.00	\$98.00	\$105.00

The rate for standard septic tank trucks discharging septic tank contents or similar materials shall be charged per standard truck load. Such tanks shall have proper (acceptable to the City) piping, valves, and hose connections for discharging directly into a manhole. Slide gates are not acceptable for controlling discharge of tank contents.

All other tank trucks by contract or special arrangements.

Section 2. That Ordinance Number 2673-06 of the City of Nebraska City, Nebraska and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. That this Ordinance be in full force and effect from and after its passage, approval, and Publication as required by law.

Passed and approved this 20th day of June, 2011

 Jack Hobbie, Mayor
 ATTEST:

 Arnold M. Ehlers, City Clerk-Treasurer

Leroy Frana explained the opportunity Nebraska City to receive ownership of a tower from the Corps of Engineers on which the City already had five antennas located. Moved by

Commissioner Gay and seconded by Commissioner Handy to approve the Termination Agreement with the Corps of Engineers and authorize the mayor to sign all documents. Upon roll call the following voted YES: Mercer, Crunk, Handy, Gay and mayor Hobbie. Voting NO: None. Motion passed.

Rose Ralstin of Nebraska City Tourism & Commerce presented a list of activities and requirements for the upcoming 2011 Applejack Festival. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the requests by Rose Ralstin. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Amy Allgood appeared before the Council to request permission to hold a July 4th Fun Run on City Streets. Any profits from the event will be donated to the youth wrestling group. Moved by Commissioner Gay and seconded by Commissioner Crunk to approve the use of City streets for the July 4th Fun Run. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger explained the request by Lori Moyer to place tables in 9th Street for a garage sale since there is a dead-end in front of her house. Moved by Commissioner handy and seconded by Commissioner mercer to approve the request to place tables on 9th Street in front of 816 N. 9th. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2528-11 placing a “No Outlet” sign on 12th Corso at 13th Street. Moved by Commissioner Handy and seconded by Commissioner mercer to approve Resolution 2528-11. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2528-11

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

That a “No Outlet” sign be placed on the right of way adjacent to Lot 12, Block B, of Edgewood Addition to Nebraska City, Otoe County, Nebraska, for the purpose of notifying vehicular traffic entering 12th Corso from South Thirteen Street, or from West of South Thirteenth Street on 12th Corso, that there is no outlet at the East end of said street.

Passed and approved this 20th day of June, 2011.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2529-11 placing “No Parking” sign on 12th Corso in Blk B; Edgewood Addition. Moved by Commissioner Handy and seconded by Commissioner Crunk to approve Resolution 2529-11. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2529-11

WHEREAS, the Mayor and City Commissioners have determined that the best interests of the public will be served if vehicular parking is prohibited at the following location.

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

That two signs designating “No Parking” be placed adjacent to the paved turn around located on a portion of Lot 3, Block B, of Edgewood Addition to Nebraska City, Otoe County, Nebraska, and that said regulation shall be for twenty-four hours each day to prohibit parking at said location.

Passed and approved this 20th day of June, 2011.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2850-11 entitled: AN ORDINANCE TO AMEND THE EIGHT-STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATING TO SALARIES OF OFFICERS AND EMPLOYEES; TO PROVIDE FOR THE REPEAL OF 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 to suspend the rules and upon roll call the following voted YES: Crunk, Gay, 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. 2850-11 be passed and adopted?" Upon roll call the following voted YES: Crunk, Gay, 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. 2850-11

AN ORDINANCE TO AMEND THE EIGHT-STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATING TO SALARIES OF OFFICERS AND EMPLOYEES; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR 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, NEBRASKA:

SECTION 1. That an eight-step Pay Schedule is hereby amended for the position of City Administrator for the City of Nebraska City, Nebraska.

SECTION 2. The following rates of pay schedule shall be effective from the 20 day of April 2009:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
\$81,278	\$83,500	\$85,980	\$88,534	\$91,163	\$93,871	\$96,658	\$99,529

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 20th day of June 2011.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie moved to approve Joseph Johnson starting at Step 2 of Nebraska City's Employee Step Plan based on education and experience, seconded by Commissioner Mercer. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Gay and seconded by Commissioner Handy to postpone action on John Davis' request to use public properties for a "Youth Motivation Camp."

Acco	943.00	Chem	Mullenax Auto	107.76	Rep
Adkins Signs	100.00	Equip	Muni Code Corp	268.44	Supp
Alamar	251.81	Unif	Nationwide	10,535.07	Inv
Anderson, B	170.00	Misc	NC Newspress	27.26	Advert
Angus, C	64.97	Training	NC Utilities	8,566.54	Util
Arbor Mart	4,368.58	Fuel	NE Dept Rev	2,045.12	Sale Tx
Arbor Outdoor	63.98	Equip	NE Golf/Turf	224.44	Rep
Barton, B	100.00	Misc	NE Life Mag	245.00	Advert
Bound Tree	33.06	Med	NE Pub Health	84.00	Misc
Briley, D	100.00	Training	NE Turf Prod	285.00	Chem
BSN Sports	58.17	Supp	Olsson Assoc	9,279.63	ROW
Callaway	301.96	Msde	Orscheln	75.27	Rep
Capital Concepts	9,839.34	Contr	Otoe Co Clerk	5,142.24	Contr
Cintas	120.64	Contr	Payroll	97,793.22	Payroll
City of NC	794.86	Artists	Pepsi-Cola	438.15	Conc
City Tire	41.00	Rep	PGA of America	405.00	Dues
Concrete Ind	312.75	Rep	Pine Acres	935.00	Tree
Conz, G	301.84	Training	Pine Valley Ag	587.10	Supp
Don's Johns	120.00	Contr	Purchase Power	400.00	Supp

Douglas Tire	69.95	Rep		Radar Shop	234.00	Rep
Fire Prot Svc	30.00	Misc		Red Giant Oil	164.80	Maint
Fireguard	586.24	Rep		Russell & Miller	108.95	Supp
Food Pride	103.73	Conc		Schneider Elec	1,500.00	Rep
Tablecreek	150.00	Contr		SE Plumbing	3,100.00	Contr
Harland Tech	416.85	Hrdwre		SEND D	3,878.61	CDBG
Hartley, C	25.00	Misc		Shell	2,491.18	Fuel
HireRight	76.25	Med		Shelter Home Svc	25.00	Misc
Hopkins Auto	47.96	Rep		St Mary's Hosp	93.00	Med
Hornung's Golf	139.94	Msde		Stuhr, D	50.00	Tree
Jebro	1,003.66	Maint		Stump, T	34.23	Tree
Jerry's Landscape	150.00	Contr		Stutheit Imp	6.52	Rep
K&Z Dist	126.20	Conc		Thurmans	85.00	Supp
Konica Business	132.37	Contr		Tielke's Sandwich	40.44	Conc
Kreifels Electric	517.94	Rep		Tom's Radio	138.00	Rep
Landis Engine	72.88	Equip		Tree City Tees	511.44	Unif
Larson Motors	1,554.80	Rep		Tri-State Office	73.25	Supp
Law Enfor System	56.05	Supp		VISA	19.13	Supp
League MN Cities	75.00	Advert		Walgreens	21.90	Med
Linweld	73.40	Med		WatchGuard	164.00	Supp
Lollmann, J	188.52	Training		Watkins True	174.62	Rep
Mead Lumber	106.33	Maint		Windstream	2,605.58	Tele
Mercer's	774.93	Rep		Winn, Inc.	318.31	Msde
Midwest Co-op	113.64	Chem		Wood Family Fuel	71.72	Fuel
Midwest Turf	43.63	Rep		Wurtele Dist	333.22	Conc
Mitchell, J	500.00	Travel				

Meeting adjourned at 6:57 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