

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
June 21, 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 21, 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 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, 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 June 7, 2010 City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

Mayor Hobbie moved to appoint John Wenzl to the Tree Board. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Tom Berger to the Planning Commission. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Andrew Kreikemeier as a probationary member of the Nebraska City Fire and Rescue Department. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

City Clerk Arnold M. Ehlers administered the Oath of Office to Police Officer Andrew Kreikemeier.

Commissioner Gay entered the meeting.

Mayor Hobbie opened the Public Hearing to consider the Redevelopment Plan submitted by Molly McNeely, DDS and submitted Resolution 2010-1 from the Community Development Agency supporting the plan. Attorney Mike Bacon explained how the plan worked and how it would benefit the City of Nebraska City. No one else spoke in support or opposition to the plan. Commissioner Handy moved to close the Public Hearing. Upon roll call the following Yes: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing to consider a request by Bath & Hair, LLC DBA Appearances for an \$11,000 loan to update the front façade of their building. Stephanie Shrader explained that the original loan granted by the Council contained Federal Dollars and that the State Historical Preservation Office would not approve some of the materials to be used on the exterior, therefore the change to a fund not using federal dollars. Commissioner Gay questioned the fact that suitable materials could not be acquired at a reasonable cost. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

City Administrator reported that due to Monday July 5<sup>th</sup> being a holiday the City Council will meet on Tuesday July 6<sup>th</sup> at 6:00pm. Mr. Haverty announced that the City is the recipient of an energy grant of \$101,905 including the City's match of \$25,476. He added that the weather has slowed progress on the 11<sup>th</sup> St./11<sup>th</sup> Corso project. The Treasurer's Report showed a beginning balance May 1 of \$1,890,847.52, revenues of \$1,006,134.01 and expenditures of \$484,397.86

leaving a balance May 31, 2010 of \$2,807,916.35. Mayor Hobbie accepted the reports and had them placed on file.

Mayor Hobbie introduced Resolution 2477-10 approving the redevelopment plan and redevelopment contract for Molly McNeely DDS. Commissioner Gay moved to approve Resolution 2477-10. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2477-10**

**A RESOLUTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA APPROVING A REDEVELOPMENT PLAN, INCLUDING A REDEVELOPMENT CONTRACT; AND RELATED MATTERS**

**WHEREAS**, the City of Nebraska City, Nebraska, a municipal corporation (the “City”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

**WHEREAS**, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

**WHEREAS**, the City has previously declared the area legally described in **Attachment 1** attached hereto (the “Redevelopment Project Area”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

**WHEREAS**, the Community Development Agency of the City of Nebraska City, Nebraska (the “Agency”) has received a Redevelopment Plan, including a Redevelopment Contract (collectively, the “Redevelopment Plan”), in the form attached hereto as **Attachment 2**, for the redevelopment of the Redevelopment Project Area; and

**WHEREAS**, the Agency and the Planning Commission of the City (the “Planning Commission”) have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Board of Commissioners of the City; and

**WHEREAS**, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

**WHEREAS**, the City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:**

**Section 1.** The Redevelopment Plan is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the redevelopment contract included within the Redevelopment Plan in accordance with Section 18-2119 of the Act, and the recommendations of the Agency and the Planning Commission with respect to the Redevelopment Plan.

**Section 2.** The Redevelopment Plan is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Mayor in his sole and absolute discretion. The Mayor and City Clerk/Treasurer are hereby authorized to execute the redevelopment contract contained within the Redevelopment Plan for and on behalf of the Agency.

**Section 3.** Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the Redevelopment Project Area shall be divided, for the period not to exceed 15 years after the effective date of the provision. *Such effective date under this Plan shall be January 1, 2011.*

Section 18-2147 states:

- (a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body. When there is not a redevelopment project valuation on a parcel or parcels, the county assessor shall determine the redevelopment project valuation

based upon the fair market valuation of the parcel or parcels as of January 1 of the year prior to the year that the ad valorem taxes are to be divided. The county assessor shall provide written notice of the redevelopment project valuation to the authority as defined in section [18-2103](#) and the owner. The authority or owner may protest the valuation to the county board of equalization within thirty days after the date of the valuation notice. All provisions of section [77-1502](#) except dates for filing of a protest, the period for hearing protests, and the date for mailing notice of the county board of equalization's decision are applicable to any protest filed pursuant to this section. The county board of equalization shall decide any protest filed pursuant to this section within thirty days after the filing of the protest. The City Clerk/Treasurer shall mail a copy of the decision made by the county board of equalization on protests pursuant to this section to the authority or owner within seven days after the board's decision. Any decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission, in accordance with section [77-5013](#), within thirty days after the date of the decision;

(b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.....

References to "authority" in such Section of the Act, include the Agency in accordance with Section 18-2101.01 of the Act. Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is to be pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the AGENCY to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

In accordance with Subsection 18-2124(3) of the Act, the Indebtedness will be paid from both tax increment tax revenues and other available tax revenues of the AGENCY.

**Section 4.** The Mayor and City Clerk/Treasurer are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

**PASSED AND APPROVED** this 21st day of June 2010.

**CITY OF NEBRASKA CITY, NEBRASKA**

ATTEST:

By:

By: \_\_\_\_\_  
City Clerk/Treasurer

\_\_\_\_\_  
Mayor

Mayor Hobbie introduced Resolution 2478-10 approving an LB840 loan to Bath & Hair, LLC. In the amount of \$11,000. Commissioner Handy moved to approve Resolution 2478-10. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: Gay. Motion passed. A true, correct and complete copy of Said resolution is as follows:

**RESOLUTION NO. 2478-10**

**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 loans to eligible businesses 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 Application Review Board has recommended a project presented through application by an eligible business for a loan of \$11,000 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 loan for “**BATH & HAIR L.L.C.**”, contingent upon approval of the City Attorney as to form.  
Passed and adopted on the 21<sup>st</sup> day of June 2010 by the City Council of Nebraska City.

\_\_\_\_\_  
Jack Hobbie, Mayor  
ATTEST: \_\_\_\_\_  
Arnold M. Ehlers, City Clerk

Commissioner Handy moved to approve the request by Brooke & Francis Auction Co. to close 20<sup>th</sup> Street between 4<sup>th</sup> and 5<sup>th</sup> Avenue on June 27<sup>th</sup> from 8:00 am to 6:00 pm. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Handy moved grant the request by Nebraska City Community Foundation to close Central Avenue from 9<sup>th</sup> to 11<sup>th</sup> and 10<sup>th</sup> Street from 1<sup>st</sup> Avenue to 1<sup>st</sup> Corso for a Street Dance on August 21, 2010 from 4 p.m. to 1:00 am. August 22<sup>nd</sup>. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana from Nebraska City Utilities presented a recommendation by the Board of Public Works requesting approval of Work Order 104 extending underground electricity to the new City Water Wells. Commissioner Gay moved to approve Work Order 104 in the amount of \$\$19,250.24 to extend electricity to the new water wells. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana then explained the Board of Public Works’ position that no long term lease of City owned property with direct access to the Missouri River be exchanged with Jody Maybee for property that they purchased at a tax sale. And that the City not purchase Maybee’s property for \$25,000 as proposed in a letter from Maybee’s attorney. The Council discussed the steep bank to the west of the Maybee’s property which would make access virtually impossible without jeopardizing the City’s main water transmission lines from the well field, as well as the property being in the flood way. Commissioner Mercer stated that he would like to delay a decision to allow more time to research alternatives. Commissioner Gay moved to deny the request by Maybee’s attorney for a long term lease on City owned property and authorize staff to negotiate with Maybee’s on purchasing the property at a reasonable price. Upon roll call the following voted Yes: Handy, Gay and Mayor Hobbie. Voting NO: Mercer. Abstain: Crunk. Motion passed.

Mayor Hobbie introduced Resolution 2476-10 revising the personnel manual. Pat Haverty informed the Council of changes made to the Nebraska City Employee’s Personnel Manual. Many were necessary due to changes in state laws or for clarification of current language. Commissioner Handy moved to approve Resolution 2476-10. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2476-10**

**WHEREAS,** on the 3<sup>rd</sup> day of April, 1989, the Mayor and Commissioners of the City of Nebraska City, Nebraska adopted a revised Personnel Manual for the employees of the City of Nebraska City, and

**WHEREAS,** on the 15<sup>th</sup> day of September, 2008, the Mayor and Commissioners of the City of Nebraska City, passed Resolution No. 2375-08 to update the Personnel Manual, and

**WHEREAS,** changes in the law and changes in City policies have affected the regulations outlined in the Personnel Manual, it is determined that in order to keep up to date with such changes, the Personnel Manual is in need of revision.

**NOW THEREFORE,** Be It Resolved by the Mayor and Commissioners of the City of Nebraska City:

Section 1. That the Personnel Manual of the City of Nebraska City, Nebraska dated June 21, 2010 and attached as Exhibit A, setting forth in writing the provisions affecting the employment policies, benefits, disciplinary procedures, and drug policies for all full-time, part-time and temporary personnel of the City, be and the same is hereby adopted.

Section 2. That such Manual shall be published in pamphlet form with the original to be maintained in the office of the City Clerk-Treasurer, and copies to be made available to all employees of the City.

Passed and Approved this 21<sup>st</sup> day of June, 2010

\_\_\_\_\_  
Jack Hobbie, Mayor  
Attest: \_\_\_\_\_  
Arnold M. Ehlers, Clerk Treasurer

Pat Haverty provided a detailed explanation of the revisions on the proposed Ordinance 2800-10 which deals with parking of vehicles in yards. The revisions split the new guidelines between the City Codes and the City Zoning thereby clarifying parts of the rules and allowing some property owners to be “grandfathered” as to use or current condition of their property. One change was requested to clarify requiring a sub-base for asphalt and concrete driveways. Mr. Haverty stated that he will present all of the changes at a meeting in August for adoption by the Council.

Pat Haverty presented a housing rehab project to the Council for their approval. This project will use the remainder of funds made available to Nebraska City in the 2008 CDBG Grant. Commissioner Handy moved to approve project 08-NEB-009 in the amount of \$24,860.00. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and mayor Hobbie. Motion carried.

Acco	2,510.37	Supp	Linweld	78.95	Med
Alamar	703.53	Unif	McBattas Printing	505.00	Advert
Alco	39.98	Supp	Mead Lumber	1.80	Rep
Arbor Mart	2,967.44	Fuel	Mellage Truck	391.38	Rep
Avenue Grill	400.00	Misc	Menards	134.70	Rep
Barrett Const	575.00	Contr	Mercer's	524.09	Rep
Benefiel Repair	1,186.72	Equip	Moore Medical	136.95	Med
Bishop Plumbing	74.05	Equip	Mullenax Auto	204.88	Rep
Bohl Plumbing	85.96	Rep	Murry, B	104.42	Travel
Boyce, D	100.00	Misc	NC Utilities	8,518.58	Util
Brown's Shoe	14.43	Postage	NE Dept Rev	1,031.74	Sales Tax
BSN Sports	49.18	Supp	NE Env Products	49.18	Rep
Callaway	158.52	Msde	NE Econ Dev	375.00	Dues
VISA	667.37	Msde	O'Reilly Auto	22.89	Rep
Cintas	55.00	Contr	Omaha Tractor	450.70	Equip
City of NC	38,691.25	Bond	Orscheln	88.07	Rep
Wildwood Artists	1,409.54	Comm	Otoe Co Clerk	5,072.64	Contr
Deluxe Checks	20.25	Supp	Pepsi	212.50	Conc
Douglas Tire	75.00	Equip	Purchase Power	400.00	Postage
Earl May	67.98	Supp	Radar Shop	234.00	Contr
Elite K-9	1,061.90	Supp	Schendel Pest	128.00	Pest Cont
Fire Protection	30.00	Contr	Shell	2,443.52	Fuel
Food Pride	184.69	Conc	Sinclair Hille	2,312.50	Contr
Heartland Class	27.19	Advert	St. Mary's Hosp	315.15	Med
Heiman Fire Equip	6,046.50	Unif	Stuhr, D	100.00	Misc
Hopkins Auto	60.70	Equip	Technol Design	100.00	Contr
Hornung's Golf	171.33	Msde	Tielke's	13.44	Conc
J&M Foundations	6,889.80	Contr	Tree Worx	225.00	Supp
Jebro	1,048.60	Maint	Tri-State Office	73.87	Supp
JEO	1,665.75	ROW	Watkins	15.09	Rep
KNCY	131.30	Advert	Windstream, Inc.	2,041.94	Tele
Kreifels Electric	365.00	Maint	Winn Inc	106.62	Msde
Kreikemeier, A	11.99	Unif	Wood Family Fuel	218.34	Fuel
Landis Engine	61.35	Equip	Nationwide	10,873.84	Ins
Larson Motors	198.51	Rep	Payroll	164,778.04	Payroll

Meeting adjourned at 7:14 p.m.

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Arnold M. Ehlers, City Clerk-Treasurer