

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 15, 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 July 15, 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jim Stark. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Captain Lonnie Neeman, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the July 1, 2013, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk and Stark. Motion adopted.

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

Mayor Hobbie opened the Public Hearing on a loan request in the amount of \$50,000.00 by Roy Schneider DBA Roy2Holly. The intended purpose of the loan is to assist in the purchase of Duff's Nursing Home facility from Otoe County. Stephanie Shrader answered questions from the Council. No one else spoke in support or opposition to the loan. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie informed those present that the Public Hearing on the request to change the zoning on 707 1st Corso to R-2 from C-2 has been postponed indefinitely at the request of the realtor..

Mayor Hobbie postponed the Public Hearing on the request to change zoning on 1411 6th Corso pending further consideration by the Planning Commission.

Joe Johnson provided the Mayor and Commissioners copies of his monthly report and answered questions. The Treasurer reported a Cash on Hand beginning balance as of June 1, 2013 of \$498,033.65; revenues of \$935286.12; and expenses of \$1,096,259.05; leaving a Cash Balance on Hand as of June 20, 2013 of \$337,060.72. Mayor Hobbie asked that the reports be placed on file.

Mayor Hobbie introduced Ordinance No. 2914-13 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 RELATNG TO SALARIED OFFICERS AND EMPLOYEES 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, 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 Mercer. The Mayor then stated the question: "Shall Ordinance No. 2914-13 be passed and adopted?" Upon roll call the following voted YES: 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. 2914-13

AN ORDINANCE TO AMEND THE EIGHT-STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATNG TO SALARIED OFFICERS AND EMPLOYEES 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 EIGHT-STEP Pay Schedule attached to and made a part of this ordinance, be and is hereby adopted for various employee positions of the City of Nebraska City, Nebraska.

SECTION 2. The rates of pay as provided for by the Pay Schedule shall be effective from the first day of September 2013.

SECTION 3. All ordinances or parts of ordinance 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 15th day of July 2013.

Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2607-13 approving a loan in the amount of \$50,000.00 to Roy2Holly, LLC. Moved by Commissioner Handy and seconded by Crunk to approve Resolution 2607-13. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2607-13

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 Citizens Advisory Review Committee has recommended a project presented through application by an eligible business for a loan of \$50,000 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 **“Roy2Holly, L.L.C.”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 15th day of July by the City Council of Nebraska City.

Jack Hobbie, Mayor

A request was made to use the City Hall parking lot on July 21, 2013 for a Studebaker Car Show while the owners toured the Kregel Windmill Museum. Moved by Commissioner Handy and seconded by Crunk to approve the request to use City Hall Parking Lot on July 21, 2013 for a Studebaker Car Show. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

A Supplemental Agreement was introduced to cover costs of additional work necessary to complete Steinhart Park Trail Phase II. Moved by Crunk and seconded by Handy to approve Resolution 2608-13 between the City of Nebraska City and The Schemmer Associates in the amount of \$7,963.28. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2608-13
PRELIMINARY ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 2 – BK1018**

Whereas: The City of Nebraska City and The Schemmer Associates, Inc. have previously executed a Preliminary Engineering Services Agreement (BK1018) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: The City of Nebraska City understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-Aid project; and

Whereas: The City of Nebraska City and The Schemmer Associates, Inc. wish to enter into a Preliminary Engineering Services Supplemental Agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Nebraska City, Nebraska that: Jack Hobbie, Mayor of the City of Nebraska City, Nebraska, is hereby authorized to sign the attached Preliminary Engineering Services Agreement, Supplement No. 2 between the City of Nebraska City, Nebraska and The Schemmer Associates, Inc. City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements. NDOR Project Number: ENH-66(34) NDOR Control Number: 13055 NDOR Project Description: Nebraska City Steinhart Park Trail – Phase 2 Adopted this 15th day of July, 2013 at Nebraska City, Nebraska. The City Council of the City of Nebraska City, Nebraska.

Jim Stark, Public Works Commissioner	Jeff Crunk, Parks Commissioner
Mark Mercer, Finance Commissioner	Dean Handy, Street Commissioner
	Jack Hobbie, Mayor

Commissioner Handy moved the adoption of said resolution.
 Commissioner Crunk seconded the motion.
 Roll Call: 4 Yes 0 No 0 Abstained 1 Absent
 Resolution adopted, signed and billed as adopted.

Attest:

 Arnold M. Ehlers, City Clerk - Treasurer

Joe Johnson explained the details of an Interlocal Cooperative Agreement with Nemaha NRD in which the City of Nebraska City would act as the receiver of funds for landscape improvements at the new Lourdes School. Moved by Commissioner Handy and seconded by Mercer to approve the Interlocal Cooperative Agreement with Nemaha NRD. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger spoke to the Council on the proposed ‘Natural and Native Areas in City Owned Property’. This policy would provide guidance as well as establish a public policy. Moved by Crunk and seconded by Mercer to approve the Natural and Native Areas Policy. Upon roll call the following voted YES: Handy, Mercer, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson explained the Capital Improvements Prioritization (CIP) schedule developed as the result of a Finance Committee Meeting held on June 25, 2013 with each department head presenting equipment and construction needs anticipated for the coming fiscal year. Each request was scored by four (4) committee members and the capital needs presented to the Council were ranked according to individual scoring sheets turned in by each member of the committee. Mercer stated that he felt the number one (Tablets for the Mayor and Commissioners) and four (Remodel the Council Chambers) items were not best use of taxpayers’ money. Mercer moved and Crunk seconded approving the CIP List as presented with Items 1 & 4 removed. Upon roll call the following voted YES: Crunk and Mercer. Voting No: Handy and Mayor Hobbie. After additional discussion Mayor Hobbie moved and Commissioner Handy seconded approving the CIP list as presented. Upon roll call the following voted YES: Handy and Mayor Hobbie. Voting NO: Mercer and Crunk. Then mayor Hobbie moved and Commissioner Handy seconded postponing action on the Capital Improvements list until the next meeting at which time estimated revenues for the next fiscal year would be available. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None Motion passed.

Joe Johnson presented a draft of a proposed Ultra-Broadband Franchise Ordinance and explained a few significant sections for the Council members to ponder. First this would be a non-exclusive franchise, second a minimum bandwidth of 50 megabytes (mbps) per second and increase the minimum bandwidth at the city’s request after 1825 days; third, the term of the franchise agreement shall be 15 years with two renewals; fourth, undergrounding will be required on certain streets; fifth, the city would allow the franchisee to bond the project through the city if they put up a security bond of the same amount to cover any possible default so that the city would not be liable for any costs. Crunk asked if a survey had been conducted to see how many of the 2400 homes would sign up for increased bandwidth, Mr. Johnson said no. Mercer did not like using the city’s bonding authority to bond the project to provide funding for the franchisee even though the franchisee would have to provide a security bond to cover all expenses. Mercer

continued that in his opinion it wouldn't be a problem that a broadband provider could not serve 70% to 90% of the community with 50 mbps or more through wireless means. After a lengthy discourse the Mayor recognized Bill Moore. Mr. Moore remembers the resistance to rural electrification which left houses without electricity until after World War II, he added that his father was the first to use hybrid corn seed and was ridiculed by his neighbors, then his father was the first to raise soybeans as livestock feed. The moral of his story is "We do not know the future - but if you stay on the outside and do nothing you will get left behind." No action was taken on the Ultra-Broadband Service Franchise ordinance.

A&M Green Power	Rep	436.16	Matheson Tri-Gas	Sup	79.20
A-1 Locksmith	Sup	43.50	Mead Lbr	Sup	1092.40
ACCO	Chem	796.73	Mechanical Tech	Rfnd	25.00
Alamar	Unif	404.92	Mercer's	Sup	90.34
Allied Ins.	Dues	100.00	Microfilm Imaging	Contr	80.00
Allied Recycling	Garbage	390.18	Mullenax	Sup	25.42
Arbor Mart	Fuel	3034.54	Murry, B	Mileage	121.99
Behrends, D	Rfnd	25.00	Nat'l Arbor Day	Dues	15.00
Berry	Adv	46.55	Nationwide	Inv	15477.69
Blue Cross	Rfnd	728.78	NC Public School	Contr	3527.26
Bohl Plbg	Rep	186.16	NCU	Util	12048.13
Bound Tree	Sup	140.67	Dept of Revenue	Sls Tax	2739.42
Card Services	Misc	286.93	Nebraska Golf	Sup	1230.47
Casey's	Fuel	68.71	Nelson Manuf	Sup	249.95
Wildwood	Misc	924.48	Nuss, E	Rfnd	75.00
Concrete Ind	Sup	249.50	O'Reilly	Sup	36.16
D & D Comm	Contr	465.00	Orscheln	Sup	95.27
Don's Johns	Sup	104.00	Otoe County Clerk	Contr	5752.59
Douglas Tire	Rep	70.00	Paper Tiger	Sup	35.00
Eggers Brothers	Sup	78.48	Payroll	Payroll	99078.96
EMS Billing	Contr	2055.08	Pepsi-Cola	Bev	347.40
Fareway	Conc	114.27	Purchase Power	Postage	400.00
Food Pride	Conc	26.06	River View Pest	Pst Cntrl	362.00
Gatehouse Media	Adv	222.31	Shell	Fuel	2850.30
Giittinger, D	Mileage	142.95	Southard's	Rep	50.00
Hopkins	Sup	96.81	St. Mary's	Sup	61.50
Ideal Pure Water	Sup	155.82	Straw, W	Rfnd	25.00
Jerry's Landscape	Maint	75.00	Tielke's	Conc	63.50
Johnson, J	Mileage	716.60	Tree Worx	Maint	3105.00
Kilroy, J	Rfnd	25.00	Tri-State Office	Sup	141.95
Knook & Kranny	Contr	2300.00	Tyco Integrated	Contr	142.60
Konica Minolta	Contr	160.16	Verizon	Tele	14.04
Landis	Sup	467.99	Vodicka, A	Rfnd	25.00
Larson Motors	Rep	399.00	Watkins	Sup	152.30
LaRue Coffee	Sup	376.19	Windstream	Tele	2409.23
Laser Link Golf	Contr	564.00	Winn Inc	Sup	191.44
Martin Marietta	Sup	1139.65	Witmer	Sup	42.00

Meeting adjourned at 7:15

Arnold M. Ehlers, City Clerk - Treasurer