

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
July 16, 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 July 16, 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 July 2, 2012, City Council Regular Meeting, seconded by 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 #7250U, 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 #7250U. Upon roll call the following voted YES: Gay, Crunk Handy and Mayor Hobbie. Voting No: None. Abstain: Mercer. Motion passed.

Assistant Chief Rodney Turpel of the EMS Division publicly recognized Steinhart Foundation for their generous donation which made possible the purchase of a new Ford F-450 truck chassis and the re-mount of the box onto the new chassis. A tour of the new unit was given to all present.

Mayor Hobbie opened the Public Hearing for the proposed Nebraska City Proposed Budget. Jeff Kohrs presented the Nebraska City Utilities Department budget for 2012-2013 Fiscal Year. His data sheets for each department showed a modest increase in revenues and expenses. The Budget Statement Jeff presented showed a \$3,597,364 loss for the fiscal year. The Commissioners questioned how there could be a loss when all departments were showing good profits. Leroy Frana added that there could be unexpected large expenditures that are not foreseen. Jeff was questioned on the amount of money held in the bond reserve fund. He lists \$8,052,190.00 in reserve when the statutory requirement is \$602,000.00. Jeff stated that there was probably too much cash in the bond fund. Commissioner Gay stated that there needs to be more cooperation between Nebraska City Utilities and the City starting with combining employee benefits into one package and also combining auditing. Gay continued that the City Administrator should supervise all departments. No one else spoke in support or opposition to the budget. Moved by Commissioner Gay and seconded by Commissioner Handy to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided the monthly City Administrator's Report which contained all department activities. The Treasurer reported a beginning balance as of June 1, 2012 of \$783,694.89, receipts of \$1,347,033.85, expenses of \$804,374.08 leaving a balance on hand as of June 30, 2012 of \$1,326,354.66. Mayor Hobbie asked that all reports be placed on file.

Moved by Commissioner Gay and seconded by Commissioner Handy to postpone approving the proposed Fiscal Year 2012-2013 Nebraska City Utilities Budget until additional financial information can be provided. Upon roll call the following voted YES: Mercer, Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2885-12 entitled AN ORDINANCE TO AMEND ARTICLE 35, TRAFFIC, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW SECTION 35-230(A)(1)(i) TO PROHIBIT PARKING OF VEHICLES ON PARK LANDS WHICH ARE NOT DESIGNATED AS ROADWAYS OR PARKING AREAS, TO PROVIDE FOR THE REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, 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. 2885-12 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. 2885-12**

**AN ORDINANCE TO AMEND ARTICLE 35, TRAFFIC, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW SECTION 35-230(A)(1)(i) TO PROHIBIT PARKING OF VEHICLES ON PARK LANDS WHICH ARE NOT DESIGNATED AS ROADWAYS OR PARKING AREAS, TO PROVIDE FOR THE REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE.**

Whereas, the Mayor and City Commissioners have determined that the unregulated parking of vehicles on park lands within the City has caused unwanted damage,

Now Therefore, Be It Ordained by the Mayor and City Commissions of the City of Nebraska City, Nebraska, as follows:

Section 1. That Article 35, Traffic, Section 35-230(A)(1)(i) be added to the Code of the City of Nebraska City, to prohibit parking of vehicles on all park lands which are not designated as roadways or parking areas, which Section shall read as follows:

**"ARTICLE 35, TRAFFIC**

**DIVISION 2, PROHIBITED IN SPECIFIED PLACES**

**Section 35-230. Stopping, standing or parking prohibited.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a police officers or official traffic-control devise, no person shall:

- (1) Stop, stand or park a vehicle:
  - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (b) On a sidewalk;
  - (c) Within an intersection;
  - (d) On a crosswalk;
  - (e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
  - (f) Upon any bridge or other elevated structure upon a highway or with a highway tunnel;
  - (g) On any railroad track;
  - (h) At any place where official signs prohibit stopping;
  - (i) Upon all park lands which are not designated as roadways or parking areas.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
  - (a) In front of a public or private driveway;
  - (b) Within fifteen (15) feet of a fire hydrant;
  - (c) Within twenty-five (25) feet from the intersection of curb lines or, if none, within fifteen (15) feet of the intersection of property lines at a street intersection;
  - (d) Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic-control signal located at the side of a roadway;
  - (e) Within fifteen (15) feet in either direction of the entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy (75) feet of said entrance (when properly signposted);
  - (f) At any place where official signs prohibit standing.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
  - (a) Within fifty (50) feet of the nearest rail of a railroad crossing;
  - (b) At any place where official signs prohibit parking.
- (4) Park a vehicle or permit it to stand, whether attended or unattended in any city-owned parking lot, between the hours of 12:01 a.m. and 5:00

a.m., on any day of the week, without having received prior approval for such parking from the chief of police of the City of Nebraska City, Nebraska.

- (5) Park a vehicle or permit it to stand, whether attended or unattended in any privately owned lot, or other semipublic places, or be parked upon a privately owned parking lot or other semipublic place, where the owner or operator of said lot has posted said lot with the specific hours when such parking is prohibited, and where such owner or operator has made a written request to the City of Nebraska City for the regulation of traffic, parking, public use and conduct upon such privately owned or semipublic property.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.”

Section 2. That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED this 16<sup>th</sup> day of July, 2012.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Joe Johnson presented a recommendation to the Council to permit employees that completed the Wellness Survey this past spring to join the Ambassador Wellness Center under a corporate membership program and have the City pay for one-half (1/2) the annual fee and the employee pay the other half through payroll deduction. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the City paying one-half the annual membership to Ambassador Wellness Center for employees who participated in the Wellness Survey. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Fire Chief Alan Viox addressed the Council requesting approval of the 2012 Statement of Guidelines for the Nebraska City Volunteer Fire & Rescue Department – Fire Division. Complete copies of the SOG’s were available for all to read in the City Clerk’s office. Commissioner Handy asked for an example of something that is contained in the Fire SOG’s. Chief Viox presented the use of cameras or camera phones taking photos at the scene of a fire or accident. All photos are the property of the NCVF&RD to comply with privacy and HIPPA rules. Moved by Commissioner Handy and seconded by Commissioner Gay to approve NCVF&RD-Fire Division SOG’s. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Fire Chief Alan Viox and Asst. Chief Rodney Turpel – EMS Division addressed the Council requesting approval of the 2012 Statement of Guidelines for the Nebraska City Volunteer Fire & Rescue Department – EMS Division. Complete copies of the SOG’s were available for all to read in the City Clerk’s office. Asst. Chief Turpel used medicine dispensing guidelines as an example of how the SOG’s would help EMS personnel. Moved by Commissioner Handy and seconded by Commissioner Gay to approve NCVF&RD-Fire Division SOG’s. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson presented the recommendation of the Nebraska City Affordable Housing Council to approve two (2) house rehab projects. Rehab project 11-NEB-1 in the amount of \$24,995.00 and Project 11-NEB-04 in the amount of \$18,269.00. Moved by Mayor Hobbie and seconded by Commissioner Gay to approve project No’s 11-NEB-1 and 11-NEB-4 in the amount of \$43,264.00. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2570-12 renewing the reimbursement resolution for the Central Avenue Mill & Overlay Project. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2570-12. 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 2570-12**

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of paving improvements on Central Avenue and 11<sup>th</sup> Street of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$122,880.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City’s reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 16<sup>th</sup> day of July, 2012

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie introduced Resolution 2571-12 renewing the reimbursement resolution for the North 10<sup>th</sup> Street and Softball Complex Driveway Project. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2571-12. Upon roll call the following voted YES: Crunk, Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion Passed and adopted. A true, correct and complete copy of said resolution is as follows:

**Resolution 2571-12**

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of paving improvements Street Improvement District 2008-01 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$181,667.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City’s reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 16<sup>th</sup> day of July, 2012.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, Clerk - Treasurer

Mayor Hobbie introduced Resolution 2572-12 renewing the reimbursement resolution for the North 10<sup>th</sup> & 11<sup>th</sup> & 14<sup>th</sup> Avenue Mill & Overlay Project. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2572-12. 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 2572-12**

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include

reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of paving improvements Street Improvement District 2008-02 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$163,412.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City’s reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 16<sup>th</sup> day of July, 2012

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie introduced Resolution 2573-12 renewing the reimbursement resolution for the 11<sup>th</sup> Corso Realignment Project. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2573-12. 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 2573-12**

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the paving improvements with 11<sup>th</sup> Corso Realignment Project of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$500,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City’s reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 16<sup>th</sup> day of July, 2012.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, Clerk – Treasurer

Mayor Hobbie introduced Resolution 2574-12 renewing the reimbursement resolution for the South 8<sup>th</sup> Street Storm Water Sewer Improvement District. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2574-12. 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 2574-12**

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the

construction of Storm Water Sewer Improvement District 2009-03 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$81,547.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 16<sup>th</sup> day of July 2012.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, Clerk - Treasurer

Joe Johnson presented staff's recommendation to award a contract to the lowest responsible bidder for a 'Solid Waste Management Strategy Study'. Two companies bid the study. Stahr & Associates, Inc in the amount of \$34,960.00 and Foth in the amount of \$12,950.00. Moved by Commissioner Handy and seconded by Commissioner Gay to award the contract to Foth in the amount of \$12,950.00. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

ACCO	715.05	Rep		Miller Monroe Farrell	202.00	Ins
Action Tech Serv	159.00	Contr		Mullenax Auto Supply	74.25	Supp
Allied Recycling	353.41	Contr		Municipal Code Corp	2,855.46	Contr
Arbor Mart, Inc	2,724.43	Fuel		Nationwide	4,229.01	Inv
Assoc Fire Prot	135.00	Contr		Nationwide	10,606.76	Inv
AVAC	132.50	Contr		NC Rotary Club	375.00	Dues
Baird Holm, LLP	145.00	Legal		Nebr Dept Revenue	3,061.28	Sls Tax
Barcnas, A	41.50	Rfnd		Nebraska City Utilities	15,840.03	Util
Barton, G	100.00	Rfnd		Nebraska Golf & Turf	1,860.85	Supp
Benefiel Truck	419.85	Rep		Omaha Tractor, Inc.	66.42	Rep
Bohl	637.29	Rep		O'Reilly Auto Parts	12.38	Supp
Bound Tree Medical	162.77	Supp		Orscheln	159.73	Supp
Card Services	917.44	Misc		Otoe Co Title Company	17,000.00	CDBG
Casey's	129.40	Fuel		Otoe County Clerk	5,752.59	Contr
Cintas Corporation	68.30	Contr		Packaging Horizons	103.53	Supp
Concrete Industries	995.06	Supp		Paper Tiger Shredding	35.00	Contr
Disaster Mgmt	40.17	Supp		Payroll	100,607.33	Payroll
Emergency Repair	85.00	Rep		Pepsi-Cola of Lincoln	403.90	Conc
EMS Billing Serv	3,856.91	Contr		Presto-X Company	75.00	Contr
Fareway Stores, Inc.	146.07	Conc		Professional Contr Svc	7,448.00	CDBG
Federal Express	46.62	Postage		Purchase Power	400.00	Postage
Fireguard	29.44	Rep		River View Pest	342.00	Contr
Food Pride	101.91	Conc		River's End Trading	720.23	Supp
Gatehouse Media	266.21	Advert		Robinson, G	25.00	Rfnd
Giittinger, D	130.43	Mileage		SEND	4,359.97	CDBG
HireRight Solutions	51.25	Med		Sirchie Labs	107.43	Supp
Ideal Pure Water	139.92	Contr		St. Mary's Hospital	90.25	Med
Industrial Sales Co	34.32	Rep		Tielke's Sandwiches	13.50	Conc
Knapp Roofing	4,010.00	CDBG		Tri-State Office	221.36	Supp
KNCY AM-FM	109.08	Advert		Turf Supply Company	7,070.00	Chem
Knook & Kranny	2,300.00	Contr		Tyco Security	135.16	Contr
Konica Minolta	145.60	Contr		Utt's Golf Carts	43.50	Rep
Landis Engine	105.10	Rep		Van Wall Turf	611.85	Rep
Loveland Grass Pad	227.80	Chem		Verizon Wireless	16.72	Tele
Matheson Tri-Gas	81.95	Supp		Viox, A	84.36	Mileage
MD Aquatics, LLP	1,178.00	Contr		Watkins True Value	80.64	Supp
Mead Lumber	255.25	Rep		Wenzl Hardware	79.50	Supp
Mercer's Do-It-Best	604.39	Supp		Wick's Sterling Trucks	197.07	Rep
Microfilm Imaging	80.00	Contr		Wildwood-Artist	870.61	Artist
Farmers Coop	40.00	Chem		Workforce Develop	4,516.00	Contr
Midwest Turf	214.13	Rep				

Meeting adjourned at 7:18 p.m.

---

Arnold M. Ehlers, City Clerk - Treasurer