

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
August 1, 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 August 1, 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.

Vice-President Mercer called the meeting to order at 6:00 p.m. The Vice-President 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. Vice-President Mark Mercer then led in the Pledge of Allegiance. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy and Mark Mercer. Absent: Mayor Jack 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 Giittinger.

Commissioner Handy moved to approve the minutes of the July 18, 2011, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted AYE: Crunk, Handy and Mercer. Voting NO: None. Abstain: Gay. Motion adopted.

Commissioner Mercer moved to pay all claims as presented, seconded by Commissioner Gay. Upon roll call the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion passed.

Vice-President Mercer proclaimed August 27, 2011 as "Forget-Me-Not Day" and urged all citizens to support our Disabled American Veterans.

EMS Chief Rodney Turpel presented the members of the squad that competed in the National Competition in Florida and placed second in the BLS Division. Those present: Gregg Goebel, Teresa Wademan, Wendy Wielechowski, Cathy Blankenship, Andrew Snodgrass and Sandy Hamlin.

Vice-President Mercer opened the Public Hearing on the grant request by Kimmel Orchard. Stephanie Shrader with Nebraska City Area Economic Development presented information on the grant request for \$1,700.00 to cover promotional expenses for the 4<sup>th</sup> Annual "Wine under the Pines" event. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Commissioner Gay to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion passed.

City Administrator Joe Johnson informed the Council on ongoing street projects, efforts to find a site suitable for industrial development, budget update, fire sprinkler installation update and a reminder that the City Lot at 110 N. 6<sup>th</sup> Street has been advertised for sale.

Vice-President Mercer introduced Resolution 2534-11 approving the grant application for Kimmel Orchard. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the grant request of \$1,700.00 to Kimmel Orchard. Upon roll call the following voted YES: Gay, Handy and Mercer. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2534-11  
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 \$1,700 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 **“Wine Under the Pines c/o Kimmel Orchard”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 1st day of August, 2011 by the Mayor and Council of the City of Nebraska City, Nebraska.

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Mark Mercer, Acting Mayor

ATTEST: \_\_\_\_\_  
Arnold M. Ehlers, City Clerk

Dan Patton, Operations Superintendent from Nebraska City Utilities reviewed the recommendation by the Board of Public Works to purchase a Vermeer BC1500 Brush Chipper. The majority of the purchase price of \$50,290.00 will be covered by a grant from NDEQ in the amount of \$48740.00. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the purchase of the Vermeer BC1500 Brush Chipper in the amount of \$50,290.00. Upon roll call the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion passed.

Arnold Ehlers summarized the request from NCTC for the Council, to allow merchants to display their wares on downtown sidewalks August 4 – 7, 2011 for the “Lemon Days” event. Moved by Commissioner Gay and seconded by Commissioner Handy to approve the request to use City sidewalks for the “Lemon Days” event. Upon roll call the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion passed.

Vice-President Mercer introduced Ordinance No. 2853-11 entitled: AN ORDINANCE TO VACATE PORTIONS OF 7<sup>th</sup> CORSO, 5<sup>th</sup> STREET, 8<sup>th</sup> CORSO, AND 7<sup>th</sup> STREET, AND PORTIONS OF ALLEYS IN BLOCKS 46, 51, AND 68, ALL IN SOUTH NEBRASKA CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, MORE SPECIFICALLY DESCRIBED IN SECTIONS 1 THROUGH 7 HEREOF, AND RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; 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, Handy, and Mercer. 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 Vice-President Mercer moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Vice-President then stated the question: “Shall Ordinance No. 2853-11 be passed and adopted?” Upon roll call the following voted YES: Gay, Crunk, Handy and Mercer. 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 Vice-President, 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. 2853-11

AN ORDINANCE TO VACATE PORTIONS OF 7<sup>th</sup> CORSO, 5<sup>th</sup> STREET, 8<sup>th</sup> CORSO, AND 7<sup>th</sup> STREET, AND PORTIONS OF ALLEYS IN BLOCKS 46, 51, AND 68, ALL IN SOUTH NEBRASKA CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, MORE SPECIFICALLY DESCRIBED IN SECTIONS 1 THROUGH 7 HEREOF, AND RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the Southeast Nebraska Grain Company, LLC, has requested that portions of 7<sup>th</sup> Corso, 5<sup>th</sup> Street, 8<sup>th</sup> Corso, and 7<sup>th</sup> Street, all in South Nebraska City Addition to Nebraska City, Otoe County, Nebraska, as more particularly described in Sections 1 through 4 hereof, and portions of the alleys in Blocks 46, 51, and 68, all in South Nebraska City Addition to Nebraska City, Otoe County, Nebraska, as more particularly described in Section 5 through 7 hereof, be vacated for the purpose of selling the same to the Southeast Nebraska Grain Company, LLC, and

WHEREAS, because of the location of said parcels, the Mayor and City Commissioners of the City of Nebraska City, Nebraska, find and determine the City no longer has a need for said parcels as described in Sections 1 through 7 hereof, and hereby approve the application to vacate said parcels.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA as follows:

SECTION 1. That parcel of land located in South Nebraska City Addition, Nebraska City, Nebraska, more particularly described as follows: Beginning at the Southeast corner of Lot 10, Block 46 of said South Nebraska City Addition; thence S89°12'46"E (assumed bearing), a distance of 97.7 feet to the

North Right of way line of the Union Pacific Railroad on the South line of Lot 6, Block 47 of said Addition; thence S54°38'15"W on said North railroad Right of way line, a distance of 120.23 feet to the Southeasterly extension of the East line of said Block 46; thence N00°17'20"E on the extension of said East line, a distance of 70.93 feet to the Point of Beginning, containing 3,464 square feet, more or less, by and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 2. That parcel of land located in South Nebraska City Addition, Nebraska City, Nebraska, more particularly described as follows: Beginning at the Southeast corner of Lot 1, Block 52, of said South Nebraska City Addition; thence S89°07'30"E (Assumed bearing) a distance of 80.00 feet to the Southwest Corner of Lot 5, Block 51 of said Addition; thence S00°23'19"W on the West line of said Block 51, a distance of 26.78 feet to the North Right of way line of the Union Pacific Railroad; thence S55°32'22"W on said North railroad Right of way line, a distance of 97.48 feet to the East line of Block 52 of said Addition; thence N00°23'19"E on the East line of said Block 52, a distance of 83.16 feet to the Point of Beginning, containing 4,397 square feet more or less, by and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 3. That parcel of land located in South Nebraska City Addition, Nebraska City, Nebraska, more particularly described as follows: Beginning at the Southwest corner of Lot 6, Block 52, of said South Nebraska City Addition; thence S89°02'13"E (Assumed bearing) on the South line of Lots 6 through 8 inclusive, of said Block 52, a distance of 140.39 feet to the North Right of way line of the Union Pacific Railroad; thence S54°40'35"W on said North railroad Right of way line, a distance of 135.18 feet to the North line of Lot 5, Block 69 of said Addition; thence N89°02'13"W on the North line of said Lot 5, a distance of 30.69 feet to the Northwest corner of said Lot 5; thence N00°26'19"E, a distance of 80.00 feet to the Point of Beginning, containing 6,843 square feet more or less, by and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 4. That parcel of land located in South Nebraska City Addition, Nebraska City, Nebraska, more particularly described as follows: Beginning at the Southwest corner of Lot 5, Block 68, of said South Nebraska City Addition; thence S00°29'20"W (Assumed bearing) on the West line of said Block 68, a distance of 37.74 feet to the North Right of way line of the OPPD Railroad Switch Track; thence Southwesterly on said North Railroad Right of way line, on a 736.50 foot radius curve to the right, an arc distance of 83.95 feet to the East line of Block 67 of said Addition, the Chord of said curve bears S72°56'34"W, 83.90 feet; thence N00°29'20"E on the East line of said Block 67, a distance of 63.70 feet to the Southeast Corner of Lot 1 of Block 67; thence S89°02'14"E, a distance of 80.00 feet to the Point of Beginning, containing 4,124 square feet more or less, by and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 5. That parcel of land located in Block 46, South Nebraska City Addition to Nebraska City, Nebraska, more particularly described as follows: Beginning at the Northeast corner of Lot 10, Block 46 of said South Nebraska City Addition; thence N89°11'41"W (Assumed bearing) on the North line of said Lot 10, a distance of 49.59 feet to the South Right of way line of the OPPD Railroad side track; thence S58°16'24"E on said South right of way line, a distance of 37.19 feet to the South line of Lot 1 in said Block 46; thence S89°11'41"E on said South line, a distance of 18.04 feet to the West right of line of 4<sup>th</sup> Street; thence S00°14'24"W on said West right of way line, 20.00 feet to the Point of Beginning, containing 676 square feet more or less, by and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 6. That parcel of land located in Block 51, South Nebraska City Addition, Nebraska City, Nebraska, more particularly described as follows: Beginning at the Southwest corner of Lot 5, Block 51 of said South Nebraska City Addition; thence S89°07'30" (Assumed bearing) on the South line of said Lot 5, a distance of 38.00 feet to the North right of way line of the Union Pacific Railroad Mainline Track; thence S55°43'20"W on said North right of way line, a distance of 34.74 feet to the North line of Lot 6 in said Block 51; thence N89°07'30"W on said North line, a distance of 9.36 feet to the East right of way line of 5<sup>th</sup> Street; thence N00°11'39"E on said East line, a distance of 20.00 feet to the Point of Beginning, containing 473 square feet more or less, by and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 7. That parcel of land located in Block 68, South Nebraska City Addition, Nebraska City, Nebraska, more particularly described as follows: Beginning at the Southwest corner of Lot 5, Block 68 of said South Nebraska City Addition; thence S00°29'20"W (Assumed bearing) on the West line of said Block 68, a distance of 20.00 feet to the Northwest corner of Lot 6 in said Block 68; thence S89°02'14"E on the North line of said Lot 6, a distance of 41.75 feet to the North right of way line of the OPPD Switch track; thence Northeasterly on said North railroad right of way line, on a 745.00 foot radius curve to the left, an arc distance of 8.78 feet to a point of tangency, the chord of said curve beared N65°48'48"E, 8.78 feet; thence N65°32'20"E continuing on said North railroad right of way line, a distance of 37.90 feet to the South line of Lot 4 in said Block 68; thence N89°02'14"W on the South line of Lots 4 and 5 of said Block 68, a distance of 84.09 feet to the Point of Beginning, containing 0.02 acres, more or less, by and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 1<sup>st</sup> day of August, 2011.

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Mark Mercer, Acting Mayor  
Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

City Administrator Joe Johnson provided basic information on a proposal from Kregel Windmill Museum Board to lease a portion of City Hall Parking Lot and erect an original Eli Windmill. Duane Smith from the board was present to answer questions. Mr. Smith informed the Council of plans to improve the original factory located directly across Central Avenue from the City parking lot. Kregel Museum would lease an area in the City lot and turn it into green space and erect a 35' restored windmill. The museum board would sod, maintain and insure the leased area. Action on the proposed lease was postponed until the August 15, 2011 City Council meeting.

Acco	1,864.09	Chem	Miller and Farrell	25.00	Msde
Adkins Signs	250.00	Misc	Mullenax Auto	287.73	Rep
Aflac	56.00	Ins	Nationwide	9,754.41	Inv
Ameritas	28.72	Ins	NC Newspress	94.68	Advert
Angus, C	10.88	Misc	NCTC	5,417.00	Contr
Arbor Mart	3,203.57	Fuel	NE Comm Found	2,291.67	Contr
Assoc Fire	53,820.00	Contr	NE Sec State	30.00	Supp
AVAC	402.50	Contr	NE Turf Prod	448.50	Chem
Bishop Plmbg	27.95	Rep	Orscheln	33.43	Chem
Blue Cross	532.46	Ins	Otoe Co Clerk	1,744.50	Contr
Bound Tree	773.78	Med	Payroll	164,684.62	Payroll
Callaway	717.25	Msde	Pepsi-Cola	277.15	Conc
Cintas	60.32	Contr	Petty Cash	66.00	Supp
Citizen Printing	397.50	Supp	Pitney Bowes	249.00	Postage
Concrete Ind	3,159.57	Maint	Rose Equip	91.19	Equip
Douglas Tire	142.00	Equip	Schendel Pest	150.00	Pest Cntrl
Fastenal Co	89.01	Tools	Schmitz Surveying	299.50	ROW
Flagler County	100.00	Regist	Schneider Elec	339.00	Contr
Food Pride	112.95	Conc	Schultz, G	25.00	Misc
Fred Pryor Seminar	99.00	Regist	SE Plumbing	335.50	Rep
Golf Gators	59.93	Msde	State Chem Mfg	189.53	Supp
Jerry's Landscaping	175.00	Contr	Tielke's Sandwich	27.00	Conc
K&Z Dist	122.50	Conc	Tree Worx	1,300.00	Tree
Konica Premier	245.00	Supp	Tri-State Office	41.30	Supp
Kreifels Electric	2,223.54	Rep	Tri-State Pumping	1,000.00	Rep
Kreikemeier, A	70.00	Misc	UNL - LTAP	60.00	Regist
Landis Engine	255.65	Equip	Unum Life	13.01	Ins
LaRue Coffee	265.26	Supp	Verizon Wireless	404.07	Tele
Linweld	162.60	Med	Voice News	470.00	Advert
Loveland Grass	113.90	Chem	Wachter, N	25.00	Misc
Martin Marietta	944.38	Maint	Wademan, T	110.00	Misc
MD Aquatic	1,168.00	Contr	Watkins True Value	95.67	Maint
Mead Lumber	4.29	Rep	Whispering Pines	949.68	Travel
Med Safety Supp	81.80	Med	Windstream	112.79	Tele
Midwest Coop	89.45	Fuel	Wurtele Dist	118.39	Conc
Midwest Turf	142.00	Rep			

Meeting adjourned at 6:48 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