

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
August 3, 2009

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 August 3, 2009. 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.

Vice-President Mark 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 Mercer led in the Pledge of Allegiance. Vice-President Mercer then asked the Clerk to take roll. Upon roll call the following answered present: Brett Gay, Jeff Crunk, and Dean Handy. Absent: Mayor Jack Hobbie. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Building Inspector Alan Viox, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the July 20, 2009, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted YES: Gay, Crunk, Handy, and Mercer. Voting NO: any. Motion adopted.

City Administrator Pat Haverty reported that 10th & 11th Street Mill and Overlay Project will start this week and should take less than two weeks. Also, staff continues to work with our engineering firms for the 11th Street/11th Corso project to ensure that all of our documents are in order to keep the City eligible for "stimulus" funds. Right-of-Way acquisition continues to move forward with three possibly going to condemnation. Final plans must be submitted to NDOR by September 25th to receive "stimulus" funding.

Rose Ralstin of N.C.T.C requested several waivers and donations from the city to help with the 2009 Applejack Festival. Commissioner Gay moved to approve all the requests of NCTC. Upon roll call the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion carried.

Vice-President Mercer introduced Ordinance 2771-09.

AN ORDINANCE CREATING STORM WATER SEWER IMPROVEMENT DISTRICT NO. 2009-03 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF SEWER IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion and upon roll call the following voted YES: Gay, Crunk, Handy, and Mercer. Voting NO: None. The motion to suspend the rule was adopted by three-fifths of the Board 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. Pat Haverty provided additional explanation to the Commissioners concerning the situation. Thomas Richards of OPPD addresses the Commissioners commending them on expediting the repairs. The Vice-President stated the question "Shall Ordinance No. 2771-09 be passed and adopted?" Upon roll call the following voted YES: 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 Board, the Vice-President declared the ordinance adopted and the Vice-President in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

Ordinance 2771-09

AN ORDINANCE CREATING STORM WATER SEWER IMPROVEMENT DISTRICT NO. 2009-03 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF SEWER IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

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

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a storm water sewer district to be known and designated as Storm Water Sewer Improvement District No. 2009-03 of the City of Nebraska City, Nebraska.

Section 2. That the boundaries of Storm Water Sewer Improvement District No. 2009-03 shall include, starting at the headwall of drainage structure in South 8th Street Right-of-Way, just North of the platted alley in Block 67; South Nebraska City Addition; Nebraska City; Otoe County; Nebraska; thence traveling South across the West portion of Block 67 approximately one hundred twenty (120) feet to a point about forty (40) feet South of the OPPD railroad Right-of-Way.

Section 3. Said storm sewer shall be improved at public cost and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the City and to be approved by the Mayor and Board of Commissioners.

Section 4. Notice of creation of said District shall be published as provided by law in the *Nebraska City News-Press*, a legal newspaper published in and of general circulation in Nebraska City, Nebraska.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.
PASSED AND APPROVED this 3rd day of August, 2009.

Mark Mercer, Acting Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Vice-President Mercer introduced Resolution 2423-09 to set a date to hear objections to the 2009-03 Storm Water Sewer District. and moved for passage and adoption of Resolution 2423-09. Upon roll call the following voted YES: Gay, Crunk, Handy and Mercer. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2423-09

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

The Mayor and the Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 17th day of August, 2009, at 6:00 P.M. at the regular meeting place of the Board, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Storm Water Sewer Improvement District No. 2009-03 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this 3rd day of August 2009.

Mark Mercer, Acting Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Lisa Winterstien was present to answer questions concerning the application for a Sidewalk Café Permit for “Good Times at Stanley’s” Commissioner Gay moved to table the request until the proper insurance documentation and State Food Permit Number were presented. Upon roll call the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion carried.

Pat Haverty presented information on an encroachment of a structure onto City Right-of-Way. The most equitable resolution is for the City to vacate the area in question and allow it to revert to the property owner. This action will make it possible for the City to then get a Right-of-Way Certificate which will allow the South 11th Street project to proceed. Commissioner Gay moved to direct the City Attorney to draft and Ordinance vacating said property. Upon roll call the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion passed.

Chief Lacy requested that two (2) “Handicap Parking Spaces” be placed in front of the Rowe Memorial Public Safety Building. Commissioner Gay moved to direct the staff to draft a

resolution creating the proposed spaces. Upon roll call the following voted YES: Handy, Crunk, Gay and Mercer. Voting NO: None. Motion passed.

Building Inspector Alan Viox requested that the garage located at 908 3rd Avenue be declared unsafe and the owner be notified to remedy the condition or demolish the building. Commissioner Gay moved to approve the request to notify the owner of the structure located at 908 3rd Avenue to remedy the condition or demolish the structure. Upon roll call the following voted YES: Crunk, Handy, Gay and Mercer. Voting NO: None. Motion passed.

Stacy Higgins of Teammates of Nebraska City is requesting use of both shelters in Nuckolls Parks and waiver of the fee for Oct 3rd. Commissioner Gay moved to approve the request by Teammates of Nebraska City for use of the shelters in Nuckolls Park and to waive the fee. Upon roll call the following voted YES: Handy, Crunk, Gay and Mercer. Voting NO: None. Motion carried.

Public Properties Director Dan Güttinger informed the Council of the recent bid opening for a new street sweeper and recommended that the City award the contract to Nebraska Environmental in the amount of \$141,100 with a lease purchase option at 4.25% on a 3 year lease. Commissioner Handy moved to approve the recommendation of staff to purchase the Pelican Sweeper on the 3 year lease/purchase option. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion passed.

Commissioner Handy moved to approve payment of Estimates # 6 & 7 to Rife Construction in the amount of \$46,578.24 and \$118,254.60 respectively. Upon roll call the following voted YES: Crunk, Gay, Handy and Mercer. Voting NO: None. Motion carried.

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

A-1 Locksmith	91.9	Supp	Local 4337	100	Dues
ACCO	599.25	Chem	LogIn / IACP Net	500	Dues
Action Tech Svc	720	Contr	Marion, James	400	Stipend
Alamar Uniforms	279.46	Unif	Marshall Funeral	753.47	Plaque
Alltel	303.25	Tele	Medical & Safety Svc	72.9	Supp
Arbor Mart	1,977.97	Fuel	Mid Con Systems	153.48	Chem
Arbor Valley Ani Clnc	620	Ani Exp	Mid-American Resear	76.34	Supp
Bernhardson, Noah	122	Stipend	Midlands Financial	875	Contr
Blankenship, Cathy	35	Dues	Midwest Turf & Irrigat	53.05	Maint
Boehm, Ben	144	Stipend	Moore Medical	451.88	Supp
Bound Tree Med LLC	156.91	Supp	Morrow, Sharon	200	Stipend
Bray, Cindi	36	Stipend	Municipal Emerg Svc	820.82	Unif
CD Sign/Design	590	Rep	NC Clerk - Treasurer	26.87	Supp
CDW Government	21.79	Supp	NCTC	5,312.50	Contr
Century Lumber	46.67	Supp	NE Arborists Assoc	70	Training
City Tire & Auto Acc	18.92	Rep	NE Community Found	2,291.67	Contr
City Wholesale Meat	6.25	Conc	NE Pub Health	84	Inv. Exp
Commercial State Bank	7,586.85	TIF	NEXTEL	220.93	Tele
Concrete Industries	203.13	Rep	NSVFA	660	Dues
Conz, Gregory	36	Stipend	Odey's Inc.	552.5	Maint
Curtis, William	108	Stipend	Omaha Tractor	68.84	Supp
Douglas Tire Co.	191	Tires	Orscheln	587.06	Supp
Ehlers, A	1,880.20	Blinds	Otoe County Clerk	1,936.82	Contr
Emergency Repair Svc	75	Maint	Otoe County Title	10,000.00	Loan
Fastenal Company	10.53	Supp	Page & Tuttle	605.12	Msde
Fire Protection Svc	20.5	Rep	Rife Construction	164,832.84	Constr
First Class Flowers	50	Misc	River City Transport	125	Pallets
Fouraker, Helen	500	Stipend	Rose Equipment	937.37	Supp
GALLS	360.31	Unif	Schendel Pest Cont	146	Pest Cntrl
Goebel, Gregory	122	Stipend	Schneider Elec	84.8	Maint
Hamlin, Sandra	896	Stipend	Schreiner, Kelly	250	Stipend
Haverty, P	157.3	Mileage	SE NE Visitor's Guide	505	Ads
Heartland Classified Svc	41.35	Ads	Security Equipment	4,578.00	Equip
Hogan Jr., William	750	Stipend	Snodgrass, Andrew	144	Stipend
Hornung's Golf Prod	81.03	Supp	St. Mary's Comm	44	Med
Ingle, Cass	250	Stipend	State Fire Marshall	300	Training
Int'l. Inst. of Muni.Clerks	165	Dues	Stovall Industrial Inc	1,200.00	Rep

Janie's Confections	32	Supp	Tielke's Sandwiches	73.98	Conc
Jebro Inc.	861	Asphalt	Tincher Ford-Mercury	187.1	Rep
JEO Consulting Group	2,960.00	Eng	U-Save Pharmacy	17.98	Med
Jerry's Landscaping Co.	95	Code	Voelker Title	10,600.00	Loan
Jones, Nathan	1,400.00	Stipend	Vogel West, Inc	1,230.35	Paint
Kimmel Orchard	1,500.00	Grant	Wademan, Teresa	36	Stipend
Krog, Andrew	250	Stipend	Wage & Benefits	166,131.58	Payroll
Landis Engine	576.94	Rep	Wielechowski, Wendy	36	Stipend
Larson Motors	267.17	Rep	Winn Incorporated	104.7	Msde
LaRue Coffee	99.92	Supp	Wredt, Phillip	35	Dues
Lentsch, Shari	150	Stipend	Wurtele Distributing	392.50	Conc
Linweld, Inc	170.15	Supp			

Vice-President Mercer appointed Cathy Briley to the Planning Commission with term ending July 1, 2010. Upon roll call the following voted YES: Gay, Crunk, Handy and Mercer. Voting NO: None. Motion passed.

Meeting adjourned at 6:50 p.m.

Arnold M. Ehlers, Clerk - Treasurer