

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
August 19, 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 August 19, 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: Jim Stark, 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 David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the August 5, 2013, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy, and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

Mayor Hobbie moved to appoint Trent Barton to the Nebraska City Fire and Rescue Department, seconded by Commissioner Handy. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Motion passed.

Mayor Hobbie announced that the first City Council meeting in September will be on Tuesday the third due to Labor Day falling on Monday the second. Mayor Hobbie announced the rate increase of 2.23% submitted by Allied Recycling and Refuse allowed by the franchise agreement.

Mayor Hobbie opened the Public Hearing on the request by Rick Shallenberger to change the zoning on property located at 1411 6th Corso. Mr. Shallenberger presented a document with signatures from over a dozen neighbors stating that they did not oppose the zoning change request nor the construction of storage units on the property. Mr. Michael Ohnmacht stated that he opposed the zoning change fearing that the property could be used for heavier industrial activities in the future. Mr. Ohnmacht presented a petition signed by five neighbors opposed to the zoning change. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the request by Mildred Stahlhut to approve the Final Plat know as Lot 1, Stahlhut Subdivision located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8-T8N-R14E. Dan Giittinger explained that the owners wanted to separate the farmstead from the farm and the Plat met all the requirements. John and Karen Marks were in attendance and supported the request. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided the City Administrator's Report which outlined each department's activities for the month of July. The Treasurer reported a cash balance on hand as of July 1, 2013 of \$337,060.72, revenues of \$616,434.42, expenses of \$533,497.89, leaving a cash balance on hand of \$419,997.25. Mayor Hobbie asked that the reports be placed on file.

Mayor Hobbie introduced Ordinance No. 2918-13 entitled AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION BLOCK 33, ANDERSON'S SECOND ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, TO THE CHURCH OF CHRIST OF NEBRASKA CITY, NEBRASKA, DIRECTING NOTICE OF SALE BY PUBLICATION; 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: Stark, 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. 2918-13 be passed and adopted?" Upon roll call the following voted YES: Stark, 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. 2918-13

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION BLOCK 33, ANDERSON'S SECOND ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, TO THE CHURCH OF CHRIST OF NEBRASKA CITY, NEBRASKA, DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, members of THE CHURCH OF CHRIST OF NEBRASKA CITY, NEBRASKA (hereinafter "Church of Christ"), have requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners of the City of Nebraska City, Nebraska, have approved said sale for the consideration hereinafter stated:

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

Section 1. That the City of Nebraska City does hereby sell to the Church of Christ, for the consideration of \$100.00 and all expenses involved in this sale, including legal expenses, advertising charges and filing fees, and subject to existing taxes and special assessments, if any, and also subject to any existing easements, the following described property:

A Part of Lots 9, 10, 11, & 12 & Part of 11th Corso Right-of-Way, Block 33, South Nebraska City, Otoe County, Nebraska, being more particularly described as follows: Commencing at the Northeast Corner of said Block 33, thence southerly along the East line of said Block 33, S00°29'34"E 135.66 feet to a point: said point being the True Point of Beginning; thence continuing southerly along the said East line S00°29'34"E 122.0 feet to a point; thence leaving the said East line and continuing northwesterly along an arc of a curve to the right 63.4 feet, whose long chord bears N67°50'02"W 61.50 feet to a point; thence Northwesterly N36°46'23"W 72.14 feet to a point; thence continuing northwesterly N45°10'42"W 58.88 feet to a point on the South line of a vacated alley; thence continuing easterly along said South line of vacated alley S89°47'58"E 140.86 feet to the True Point of Beginning. (.238 Acres ±);

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a quit claim deed, to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to the Church of Christ.

Section 2. The City Clerk-Treasurer is hereby directed to publish in the Nebraska City News Press, a newspaper published and of general circulation in the City of Nebraska City, immediately after the passage and publication of this ordinance, a notice of said sale for three consecutive weeks.

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said deed to the purchaser of said real estate, after the publication of said notice as hereinbefore provided and after thirty days from the passage and publication of this ordinance, and upon payment by the purchaser of said consideration in cash.

This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 19th day of August, 2013.

Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2919-13 entitled AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM R-2 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL 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: Stark, 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. 2919-13 be passed and adopted?" Upon roll call the following voted YES: Stark, 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. 2919-13

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM R-2 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, the Planning Commission held a public hearing on said application and has recommended to the City Council approval of the requested change in zoning classification, and

Whereas, the City Council has held a public hearing on the matter, after giving due notice thereof as required by law,

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

SECTION 1. That the Official Zoning Map of the City of Nebraska City, Nebraska, as adopted by Ordinance No. 2576-03 of the City of Nebraska City, Nebraska, is hereby amended from R-2 Residential to, I-1 Light Industrial District insofar as the same relates to the property legally described as:

Lots 2-12; Block 46; Hail & Co. Addition to Nebraska City, Otoe County, Nebraska.

SECTION 2. That the City Clerk be and is hereby authorized to amend the Official Zoning Map of the City of Nebraska City by designating the zoning classification therein as provided by this ordinance.

SECTION 3. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and Approved this 19th day of August, 2013.

Jack Hobbie, Mayor

Moved by Commissioner Stark and seconded by Mercer to approve the Final Plat for the Stahlhut Subdivision located at 6260 Jade Road and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Ron Hoyle addressed the City Council requesting the use of 7th Street between Central Avenue and 1st Corso as a staging area for the Shrine Club to prepare for the parade on September 21, 2013 and permission to solicit funds from 10:00 am to 12:00 noon at the intersection of Central Avenue and 11th Street that same day. Moved by Commissioner Stark and seconded by Mercer to approve the request by the Shrine Club to use 7th Street between Central Avenue and 1st Corso on Sept. 21, 2013 and solicit funds on City streets that same day. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Rose Ralstin presented a list of seventeen items NCTC is requesting for this years' Apple Jack Festival. The list included street closures, use of picnic tables, placing of trailers at various locations, carnival setup and parking requests. Moved by Commissioner Handy and seconded by Crunk to approve the requests by NCTC for the Apple Jack Festival on the weekend of September 20-22, 2013. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Rose Ralstin requested use of City streets and parks for the Apple Jack Fun Run on September 21, 2013. She stated that NCTC had made arrangements with NCPD for safety at street crossings. Moved by Stark and seconded by Commissioner Handy to approve the request by Rose Ralstin of NCTC to hold the Apple Jack Fun Run on City Streets and Parks. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Crunk and seconded by Stark to approve the request by Stephanie Lundvall of Walgreens to use Nuckolls Park to take free photos of residents and patrons on September 21, 2013 from 10:00 a.m. to 1:00 p.m. Upon roll call the following voted YES: Handy, Mercer, Stark, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Kimberly Warner addressed the Council requesting 9th Street be blocked at 1018 N. 9th for a block party on August 31, 2013. Moved by Commissioner Handy and seconded by Crunk to approve the request by Kimberly Warner to block 9th Street at 1018 N. 9th on August 31, 2013 from 11:00 a.m. to 4:00 p.m. for a block party. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson explained the contents of an Administrative Services Contract with SENDD covering a CDBG Grant for Phase 1 Planning for Comprehensive Investment and Stabilization Program. Approval of the Phase 1 Plan could result in \$600,000.00 over three years for improvements to Nebraska City infrastructure. Moved by Commissioner Handy and seconded by Stark to approve the Administrative Services Contract with SENDD for Grant #13-CIS-003 and authorize the Mayor to sign. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson introduced the Interlocal Agreement between the City of Nebraska City and Otoe County for Joint Office Space, Support Staff and Equipment for County Attorney and City Attorney. Mark Mercer expressed concern that the document was not specific enough and requested verbiage added to cover office supplies, equipment usage and hours logged by staff attributed to city or county issues. Moved by Mercer and seconded by Commissioner Handy to postpone approval of agreement until changes clarifying billable hours, telephone and supplies responsibilities can be read. Upon roll call the following voted YES: Stark, Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

Joe Johnson presented the revised Interlocal Agreement with Otoe County for E911/Dispatch services. The new agreement is based on a formula established and used elsewhere in Nebraska. The formula relies on property taxes paid in by the city along with the number of calls attributed to city residents to develop a moving average which will be recalculated each year. The formula decreases the amount that Nebraska City currently pays to the County. Crunk asked what management controls the City has over the operation of the communications service and Mr. Johnson informed him that the County Sheriff made all the decisions concerning the E911/Dispatch personnel. Moved by Commissioner Handy and seconded by Mercer to approve the revised Interlocal Agreement for E911/Dispatch and Communication Services and authorize the Mayor to sign. Upon roll call the following voted YES: Stark, Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Joe Johnson presented the Interlocal Cooperation Agreement for the Advancement of Electric Vehicle and Compressed Natural Gas Powered vehicles. Mr. Johnson stated that Nebraska City would partner with several other Nebraska communities to apply for matching grants to receive federal funds for the purchase of CNG vehicles, electric vehicles or charging stations. Mercer was concerned that there would be a cost to this decision. It was explained that this decision formed the partnership with the other communities to jointly apply for the grant. Moved by Stark and seconded by Mercer to approve the Interlocal Cooperation Agreement between Political Subdivision of the State of Nebraska, for the Advancement of Electric Vehicle Infrastructure and Compressed Natural Gas and Electric Vehicle Use. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Dianne Hammer presented a request from former Norman’s IGA employees to plant two bushes in Nuckolls Park in memory of Dorothy Stehlik. Moved by Crunk and seconded by Commissioner Handy to approve the request to plant two bushes in Nuckolls Park in memory of Dorothy Stehlik. Upon roll call the following voted YES: Stark, Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to the request by Gary Graham to: 1.) sell him the 11th Street R-O-W for \$1.00; 2.) repair the rock bridge; 3.) locate the north boundary; and 4.) pay him \$15,000.00. Mr. Richard Hoch provided an oral history of his clients version of the issues that have been ongoing for the past three years concerning Mr. Graham’s operation of a salvage yard at the current location. Mr. Graham provided additional thoughts on his situation. Mayor Hobbie informed the board that Mr. Graham was given a conditional use permit in 2012 with the instructions that an opaque fence be constructed to provide for safety of the general public and shield the yard from public view. Mayor Hobbie continued that Mr. Graham did not even apply for the building permit to erect a fence until three days before the end of the year given by the Planning Commission, therefore the Planning Commission revoked his Conditional Use Permit. An extended discussion ensued. Mayor Hobbie moved and Commissioner Handy seconded to deny all the requests in the letter. Upon roll call the following voted YES: Handy and Mayor Hobbie. Voting NO: Stark, Crunk and Mercer. Discussion continued on Mr. Graham applying for another Conditional Use Permit from the Planning Commission after he cleaned up the property. Moved by Mercer and seconded by Crunk to postpone further discussion on the letter until the September 3, 2013 meeting. Upon roll call the following voted YES: Stark, Handy, Crunk and Mercer. Voting NO: Mayor Hobbie. Motion passed.

A-1 Locksmith	Rep	209.88	Lumberjack Co	Maint	1550.00
ACCO	Chem	1653.43	Martin Marietta	Sup	631.20
Action Tech Serv	Office	400.00	Mather, A	Rfnd	25.00
Adkins Signs	Sup	500.00	Matheson Tri-Gas	Sup	481.38
Alamar	Unif	296.46	Mead Lumber	Sup	192.59
Allied Recycling	Garbage	411.47	Mercer's	Sup	283.91
Amerine Builders	Rfnd	200.00	Messing, D	Rfnd	25.00
Enchanted Arbor	Sup	35.00	Microfilm Imaging	Contr	80.00
Arbor Day Farm	Trng	155.76	Miller Monroe Farrell	Ins	19.00
Arbor Mart	Fuel	2993.77	Miracle Mudjacking	Rep	2760.00
Bishop Plumbing	Rep	633.25	Missoula Theatre	Arts	25.00
BC/BS	Rfnd	108.50	Morrow & Assoc	Contr	4838.65
Bob's Welding	Rep	80.00	Mullenax	Sup	351.94
Bohl Plumbing	Rep	67.00	Nationwide Trust	Inv	17278.84
Bound Tree	Sup	521.00	NC Jaycees	Contr	1875.00
Brown Glass	Rep	72.95	NC Utilities	Util	12139.98
Card Services	Adv	535.00	NCTC	Misc	3467.00
Casey's	Fuel	69.00	NE Dept of Labor	Maint	36.00
Cintas	Sup	62.42	NE Dept of Revnue	Sls Tax	1945.74
Citizen Printing	Sup	665.00	NE Life Magazine	Adv	300.00
Wildwood	Arts	1674.85	NebWorks	Equip	495.00
Click, C	Rfnd	25.00	O'Reilly	Sup	210.61
Concrete Ind	Sup	1836.13	Odey's Inc.	Rep	1494.00
Digmann, J	Rfnd	25.00	Orscheln	Sup	12.99
Double Eagle	Bev	294.00	Otoe Co Attorney	Contr	1866.80
Douglas Tire	Rep	18.00	Otoe Co Clerk	Contr	5752.59
Eggers Brothers	Sup	29.52	Otoe Co Treasurer	Taxes	1542.31

EMS Billing Serv	Contr	4503.49	Partsch, D	Misc	150.00
Fareway Stores	Conc	121.81	Payroll	Payroll	95197.74
Food Pride	Conc	4.37	Pepsi-Cola	Bev	232.10
Full Compass	Equip	264.00	Physio-Control	Sup	72.90
Gatehouse Media	Adv	940.31	Presto-X	Pst Cntrl	75.84
Harding & Shultz	Legal	240.00	Region V Serv	Equip	120.00
Hopkins Auto	Sup	280.00	Vollman, R	Sup	385.00
Ideal Pure Water	Contr	132.92	River View Pest	Pst Cntrl	362.00
In the Swim	Sup	24.94	Shell	Fuel	3713.37
Inland Truck Parts	Sup	159.22	Shell	Fuel	77.39
Jerry's Landscaping	Contr	400.00	Tielke's	Conc	76.30
K & Z Dist	Bev	58.70	Tim Engel Const	Rfnd	25.00
Knook & Kranny	Contr	2300.00	Tree City Tees	Unif	8.50
Kreikemier, A	Training	204.46	Tri-State Office	Sup	259.48
Landis	Sup	91.04	Uline	Sup	23.49
Larson Motors	Rep	507.42	USPS	Postage	46.00
LaRue Coffee	Sup	180.75	Verizon	Tele	14.08
Laser Link Golf	Contr	564.00	Wage Works	Contr	72.00
LoNM	Dues	11526.00	Warren, M	Rfnd	25.00
Logan Contractors	Equip	1935.00	Watkins	Sup	297.69
Loveland Grass Pad	Chem	326.35	Windstream	Tele	2399.93

Meeting adjourned at 8:10 p.m.

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.

Arnold M. Ehlers, City Clerk-Treasurer