

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
September 4, 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 September 4, 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 Captain Lonnie Neeman, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the August 20, 2012, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Mayor Hobbie opened the Public Hearing on the 2012-2013 Fiscal Year Budget for the City of Nebraska City. Joe Johnson presented the budget to the Mayor, Commissioners and Public. The 2012-2013 fiscal year budget is again a zero sum budget estimating revenues of \$14,190,235.00 and expenditures of \$14,190,168.46 leaving a difference of \$66.54. Of the amount shown is budgeting for two large infrastructure projects to be approved by the voters in November. The projects (A new pool, two water parks and a fiber optics backbone if approved by voters) have a combined estimated cost of \$6,100,000.00. If approved by voters the cost will be funded with a half cent increase in sales tax. Jeff Kohrs with Nebraska City Utilities presented the utilities portion of the budget. The utilities budget contained the estimated adjusted revenues and expenses due to the change of the fiscal year dates for the utilities department. No one else spoke in support or opposition to the budget. Moved by Commissioner Handy and seconded by Commissioner Gay to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing informing citizens that the final tax request is different than the previous year. Joe Johnson explained that the levy remained the same but that the funds received would be dispersed differently and the assessed valuation increased thereby increasing the amount of tax dollars received by the City. No one else spoke in support or opposition to the final tax request. Moved by Commissioner Handy and seconded by Commissioner Gay to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Stephanie Shrader provided the NCAEDC Quarterly Report. Mayor Hobbie asked that all written reports be placed on file.

Mayor Hobbie introduced Resolution 2577-12 approving an additional 1% increase in restricted funds authority. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2577-12. Upon roll call the following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true and correct copy of said resolution is as follows:

Resolution No. 2577-12

WHEREAS, pursuant to Nebraska Revised Statute §13-519 the City of Nebraska City is limited to increasing its total of budgeted restricted funds by no more than the prior year's total of budgeted restricted funds plus population growth plus two and one-half percent (2½%) expressed in dollars; and

WHEREAS, §13-519 authorizes the City of Nebraska City to exceed the foregoing budget limit for a fiscal year by an additional one percent (1%) increase in budgeted restricted funds upon affirmative vote of at least seventy-five (75%) of the governing body; and

WHEREAS, the Annual Budget for Fiscal Year 2012-2013 and Program for Municipal Services in the Lid Computation Fiscal year 2012-2013 supported by the detail relating to restricted revenue

accounts, proposes an additional increase in budgeted restricted funds of one percent (1%) as provided by the statute; and

WHEREAS, approval of the additional one percent (1%) increase in budgeted restricted funds is prudent fiscal management, does not increase authorized expenditures and is in the best interests of the City of Nebraska City and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that by an affirmative vote by more than seventy-five percent (75%) of the Board of Commissioners, budgeted restricted funds for Fiscal Year 2012-2013 shall be increased by an additional one percent (1%) as provided by Nebraska Revised Statute § 13-519.

PASSED and APPROVED this 4th day of September, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2889-12 entitled AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2012-2013 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; 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. 2888-12 be passed and adopted?" Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: Crunk. 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. 2889-12

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2011-2012 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2012, through September 30, 2013. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Nebraska City. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Otoe County, Nebraska, for use by the levying authority.

SECTION 2. 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 4th day of September, 2012.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2890-12 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: 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. 2888-12 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. 2890-12

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 October 2012.

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 4th day of September 2012.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2578-12 setting the property tax request different than the previous year. Moved by Mercer and seconded by Commissioner Handy to approve Resolution 2578-12. Upon roll call the following voted YES: Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed and adopted. A true, and correct copy of said resolution is as follows:

RESOLUTION NO. 2578-12

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purpose of setting the levy by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year,

NOW, THEREFORE, THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY A MAJORITY VOTE, RESOLVE THAT:

1. The property tax request for the fiscal year beginning October 1, 2012, be set at the following amounts:

General Fund	\$ 868,295.00
Bonded Indebtedness Fund	\$ 450,000.00

2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 10, 2012.

PASSED and APPROVED this 4th day of September, 2012.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Carl Abbott addressed the council on behalf of the Fraternal Order of Eagles Aerie #968 asking them to consider amending the Sunday opening for liquor sales from 1:00 p.m. to 9:00 a.m. Moved by Commissioner Handy and seconded by Commissioner Gay to approve the request by the Eagles Club to change their opening hours on Sunday from 1:00 p.m. to 9:00 a.m. and direct the City Attorney to draft an ordinance. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Rebecca Turner of NCTC asked that the City approve the use of the Sunken Parking lot and provide barricades to close off a portion of the Sunken Parking Lot for free movies starting at 8:00 p.m. on September 15, 2012. Moved by Commissioner Gay and seconded by Mercer to approve the request by NCTC to use the Sunken Parking Lot for movies on September 15th and have barricades placed after 5:00 p.m. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Rebecca Turner of NCTC asked permission to place a new bench at the corner of 7th and Central Avenue and have City employees anchor to the sidewalk. The bench is a donation by a family in remembrance of a loved one. Moved by Commissioner Handy and seconded by Crunk to approve the request to place a bench on the sidewalk at 7th and Central Avenue and have City staff secure the bench to the sidewalk. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mercer and seconded by Commissioner Gay to approve the SENDD membership dues in the amount of \$4,500.00. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mercer and seconded by Commissioner Handy to approve paying the dues to SENDD Housing in the amount of \$2,168.00. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2579-12 confirmation of banking and correction of TIN. Moved by Mercer and seconded by Commissioner Handy to approve Resolution 2579-12. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger presented the low bid for a 2011 Ford F-750 dump truck for the street department and recommended approval by the Council. Moved by Commissioner Handy and seconded by Mercer to award the bid for a 2011 Ford F-750 Dump Truck to Palfleet in the amount of \$90,340.00. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Action Tech Service	457.00	Contr	Mullenax Auto Supply	475.15	Supp
Adkins Signs	35.00	Misc	Musco Sports Lighting	63.13	Supp
Flex One	72.00	Inv	No. American Direct	220.00	Advert
Amerine Builders, Inc	25.00	Rfnd	Nat.Arbor Day Found.	15.00	Misc
Anderson Ford	175.32	Rep	Nationwide	9,442.09	Inv
Arbor Mart, Inc	2,730.67	Fuel	NC Clerk - Treasurer	10.69	Tele
AVAC	601.58	Contr	Neb City Museum	2,406.25	Contr
Behrends, D	25.00	Rfnd	NC Public School Dist	80.00	Misc
Bill Walters Shop	28.95	Supp	Nebraska City Utilities	114,191.25	FEMA
Bound Tree	579.83	Supp	NC Utilities	126,565.00	Contr
Brown Glass Company	89.08	Rep	NCTC	5,416.67	Contr
BSN Sports	429.33	Supp	Nebraska Golf & Turf	1,221.14	Supp
Cede and Company	55,437.50	Bonds	Nebraska Life	275.00	Supp
Cintas	68.30	Supp	O'Reilly Auto Parts	36.36	Supp
Citizen Printing Co	210.50	Supp	Omaha Tractor, Inc.	118.88	Supp
Douglas Tire Co.	913.15	Rep	Orscheln	62.12	Supp
Ed Roehr Safety	216.60	Misc	Otoe County Clerk	547.00	Rfnd
Fareway Stores, Inc.	38.06	Conc	Payroll	165,973.26	Payroll
Fireguard	2,438.20	Rep	Pepsi-Cola of Lincoln	92.45	Conc
Food Pride	11.73	Conc	Physio-Control, Inc	364.00	Supp
Graber Manuf	987.00	Rep	Pine Acres Nursery	700.00	Rep
Holman, Jason	189.81	Rfnd	Purchase Power	400.00	Postage
Hopkins Automotive	69.47	Supp	Wiebusch, R	25.00	Rfnd
Jebro Inc.	1,029.88	Supp	Sands, D	81.05	Rfnd
JEO Consulting	750.00	ROW	Schneider Electric	114.00	Rep
Keneal, M	25.00	Rfnd	SENND	7,932.79	Misc
Konica Minolta	245.00	Contr	Shelter Home Service	25.00	Rfnd
Kreifels Electric, Inc.	255.61	Rep	Sweet, D	400.00	Contr
K & Z Dist	49.20	Conc	Tielke's Sandwiches	27.00	Supp
Landis Engine Co	107.32	Rep	Tim Engel Const	50.00	Rfnd
League Nebr. Munic	755.00	Dues	Timber Ridge Homes	200.00	Rfnd
Masimo Americas, Inc	8.00	Supp	Two Sisters Cleaning	225.00	Contr
Tri-State Contractors	5,500.00	Rep	USPS	45.00	Postage
Mead Lumber	26.99	Supp	Verizon Wireless	400.74	Tele

Menards - Lincoln So	58.80	Supp		Watkins True Value	157.06	Supp
Municipal Emergency	702.84	Supp		Webster, W	25.00	Rfnd
Farmers Coop	48.42	Supp		Wurtele Dist	206.70	Conc

Meeting adjourned at 7:42 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