

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
September 7, 2010

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 September 7, 2010. 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.

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 led in the Pledge of Allegiance. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy, and Mark Mercer. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Handy moved to approve the minutes of the August 16, 2010, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: 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 proclaimed the week of September 12-18, 2010 as "National Assisted Living Week" in Nebraska City.

Mayor Hobbie opened the Public Hearing on the proposed budget for fiscal year 2010-2011. Pat Haverty provided a summary of the anticipated revenues for the upcoming fiscal year and the budgeted expenses. No one else spoke in support or opposition to the proposed budget. Dean Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing to set the final tax request at a different amount than the previous year. Pat Haverty explained that the levy was virtually the same as the previous year at .399999 but since the valuation had increased the dollar amount collected will increase approximately \$45,000.00. No one else spoke in support or opposition to the final tax request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie opened the Public Hearing on the creation of a Downtown Overlay District to provide guidance on construction or renovation of structures in the district. Pat Haverty provided information on the history of the proposed guidelines. Gene Mercer expressed many concerns. First, he stated that the proposed guidelines were unfair to owners of large buildings due to the costs associated with adhering to the guidelines. Next he felt that banning the painting of brick was unfair for two reasons: 1. painting improves the appearance and 2. painting preserves the brick. Mr. Mercer also had concerns with the window requirements which would be costly for the property owner. And finally he felt that the guidelines were too vague and subjective with no clear vision. Harlan Bohl opposed the guidelines because of the restrictions on painting and door replacements. Rebecca Turner speaking on behalf of Nebraska City Tourism and Commerce supported the guidelines saying that property values in communities that had historic district guidelines retained higher property values, but also stated that they needed to be revised and that the committee should have better representation of downtown property owners and planning commission members. Vic Johns added that the guidelines were too restrictive and needed improvement. Dan Kelly stated that the ordinance needs to be properly structured. Bill Moore supported the idea of a historic district. Steve Collins stated that as a painter by trade he was not aware of painting brick to be a problem. No one else spoke in support or opposition to the proposed ordinance. Commissioner Gay moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty presented his report to the Council. The Central Avenue project is a little bit behind schedule but that the Applejack Parade route will be clean and construction equipment will be removed. The Tree Board approved the location of the Dog Park, so the committee will begin raising funds. Mayor Hobbie accepted the report and asked that it be placed on file.

Commissioner Handy moved to approve the budget for fiscal year 2010-2011 for Nebraska City Area Solid Waste Agency. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Handy moved to approve the new rates submitted by Allied Refuse Services for Citywide trash service from September 1, 2010 to August 31, 2011. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2487-10 approving an additional 1% increase in restricted funds authority for fiscal year 2010-2011. Commissioner Handy moved to approve Resolution 2487-10. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution 2487-10

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 2010-2011 and Program for Municipal Services in the Lid Computation Fiscal year 2010-2011 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 2010-2011 shall be increased by an additional one percent (1%) as provided by Nebraska Revised Statute § 13-519.

PASSED and APPROVED this 7th day of September, 2010

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2809-10 entitled, AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2010-2011 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; and, moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Handy, Mercer 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. 2809-10 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer 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. 2809-10

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2010-2011 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; 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, 2010, through September 30, 2011. 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 7th day of September, 2010.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2808-10 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 Mercer seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Handy, Mercer 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. 2808-10 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer 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. 2808-10

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 2010.

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 7th day of September 2010.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2488-10 setting the property tax request at a different amount than the previous year. Commissioner Handy moved to approve Resolution 2488-10. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2488-10

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, 2010, be set at the following amounts:

General Fund	\$ 866,645.00
Bonded Indebtedness Fund	\$ 475,000.00

- 2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 10, 2010.

Passed and approved this 7th day of September, 2010.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Rose Ralstin representing Nebraska City Tourism and Commerce presented the request for street closings, table requirements, signage and porta-potties for the 2010 Applejack Festival on September 18, 2010. Commissioner Gay moved to approve the requests by NCTC. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Gay moved to approve the request by Amy Allgood representing the 2010 Applejack Fun Run/Walk for use of City Streets and some law enforcement. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Motion carried.

Dan Kelly explained to the Council the benefits for the community of the City signing a Memorandum of Understanding with St. Mary’s Hospital creating a partnership which will allow certain prescription drugs to be purchased at a reduced price which savings would then be passed on to qualified individuals through the 340B Program. Commissioner Gay moved to approve the Memorandum of Understanding and authorize the Mayor to sign. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Pat Haverty provided an overview of two proposals for an Asbestos/Lead Survey of the Memorial Building. Commissioner Handy moved to award a contract to AQS Environmental for an amount not to exceed \$2,340.00 and authorize the Mayor to sign. Upon roll call vote the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance 2810-10 and read it by title for the first time.

Pat Haverty explained the correspondence from Schemmer Associates concerning the repairs needed for the Steinhart Park Foot Bridge. Estimated engineering fees would be \$6065.00 and repairs would likely be \$20-25,000.00. Total investment of \$30,000.00 plus to repair a bridge that is scheduled for replacement in two years. Commissioner Mercer moved to reject both the engineering and repair of the foot bridge. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Perry Biaggi requested that the Council waive rent fee for use of a shelter in Nuckolls Park on August 6th for a Boy Scout event and October 23rd for the Nebraska City Community Ten Commandments Hike. Commissioner Crunk moved to approve waiving the rental fee for those two events. Upon roll call the following voted YES: Handy, Mercer, Gay, Crunk and Mayor Hobbie. Voting NO: None. Motion adopted.

Dana Stovall on behalf of the First United Methodist Church requested use of a shelter in Nuckolls Square Park on September 10th and October 15th for a movie event and waive the rental fee. Commissioner Crunk moved to approve the request for use of a shelter in Nuckolls Square Park and waive the rental fee. Upon roll call the following voted YES: Handy, Mercer, Gay, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Dan Giittinger presented an aerial view of the South 11th Street Project and asked the Council to approve temporary “No Parking” along the detour route due to the narrowness of the streets.

Commissioner Handy moved to approve the temporary “No Parking” along the detour route. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

1st Class Flower	25.00	Misc	Lesco	652.41	Seed
ACCO	143.92	Supp	Linweld	164.28	Med
Action Tech	400.00	Contr	Matt Parrott	385.51	Supp
Alco	31.45	Supp	McNeely, M	75,000.00	LB840
All Makes Office	49.14	Supp	MD Aquatics	1,168.00	Contr
All Roads Barric	290.00	ROW	Mead Lumber	19.38	Supp
Allied Ins	100.00	Bond	Michael Todd	324.06	Signs
Allied Refuse	302.25	Garbage	Miller Monroe	71.00	Ins
Amerine Builders	16,810.00	Cap Imp	Mullenax Auto	528.13	Rep
Ameritas	27.88	Ins	Murry, B	70.00	Misc
Arbor Mart	3,948.91	Fuel	Nationwide	10,031.60	Ins
AVAC	727.00	Contr	NC Newspress	392.38	Advert
Barrett Const	6,685.00	Maint	NC Public School	300.00	Contr
Bill Walters	75.00	Equip	NCAEDC	8,275.00	Contr
Bob's Welding	15.00	Rep	NCS	67.15	Supp
Bohl Plumbing	69.15	Rep	NCTC	5,312.50	Contr
Bond	52,185.00	Bond	NE Animal Industry	150.00	Fee
Booth, J	70.00	Misc	NE Building Prod	6,359.00	Cap Imp
Brant, J	520.00	Sftwre	NE Comm Found	2,291.67	Contr
Brown's Shoe	8.12	Postage	NE Golf & Turf	51.60	Rep
Callaway	137.77	Msde	NE Life Mag	245.00	Advert
Casey's	72.96	Fuel	Nebworks	105.00	Sftwre
Century Lumber	59.12	Supp	Omaha Tractor	262.67	Rep
Cintas	55.00	Contr	O'Reilly Auto	1.99	Rep
Concrete Ind	657.43	ROW	Orscheln	135.94	Supp
Conrad Fire Equip	48.57	Supp	Otoe Co Clerk	2,152.87	Contr
Creighton	202.00	Med	Reg Deeds	13.00	Advert
Dalton, K	194.50	Misc	Paper Tiger	35.00	Supp
Diamond Vogel	58.63	Supp	Payroll	152,046.03	Payroll
Douglas Tire	1,547.71	Rep	Petty Cash	25.94	Postage
Eagles	1,280.00	Conc	Schemmer	671.92	ROW
Earl May	29.98	Maint	Schendel Pest	150.00	Pest Cont
F & B Const	40,945.00	ROW	Sinclair Hille	512.50	ROW
Farris, M	2.75	Supp	Super Vac Manuf	180,158.00	Equip
Food Pride	206.54	Conc	Teten, J	178.00	Equip
Fremont Bank	129,525.00	Bond	Thurman's	12.00	Unif
Green Provence	572.17	Seed	Tielke's Sandwich	40.32	Conc
Haverty, P	103.00	Mileage	Trade Well Pallet	950.00	Maint
Heartland Bank	47,446.26	Equip	Tri-State Office	467.00	Supp
Heartland Class	29.85	Advert	Tri-State Pumping	460.00	Rep
Holland, D	70.00	Misc	Two Sisters Clean	225.00	Contr
Hopkins Auto	42.14	Rep	UNL	30.00	Fee
Hornung's Golf	266.09	Msde	Unum Life Ins	635.35	Ins
Ideal Pure Water	54.00	Contr	Utt's Golf Carts	35.80	Rep
Jebro	1,056.09	Maint	Verizon Wireless	701.38	Tele
Jerry's Landscape	195.00	Contr	Viox, A	274.00	Mileage
KNCY	196.95	Advert	Warner, R	6,775.00	Cap Imp
Konica Business	132.35	Contr	True Value	222.65	Supp
Konica Premier	245.00	Contr	Wigington, N	230.27	Mileage
Landis Engine	379.10	Rep	Wildwood Golf	163.37	Msde
Larson Motors	163.92	Rep	Wood Family Fuel	46.00	Fuel
LaRue Coffee	657.09	Supp	Wurtele Dist	176.75	Conc

Meeting adjourned at 7:47 p.m.

Arnold M. Ehlers, City Clerk - Treasurer