

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
September 15, 2014

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on September 15, 2014. 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jim Stark. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney David Partsch, Police Chief David Lacy, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the September 2, 2014, City Council Regular Meeting, seconded by Crunk. Upon roll call the following voted YES: Crunk, Handy, and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion adopted.

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

Action Tech	Contr	400.00	Lifeguard Auto	Rep	200.01
Alamar	Unif	934.52	Lincoln Financial	Inv	2387.03
Allied Recycling	Garbage	75.00	Matheson	Sup	244.00
Amerine Builders	Rfnd	200.00	MD Aquatics	Contr	1178.00
Arbor Mart, Inc	Fuel	3615.32	Mead Lumber	Sup	33.77
Arbor Outdoor	Sup	77.99	Mercer's	Sup	324.56
AVAC	Misc	353.91	Michael Todd	Sup	134.41
Arrow Manuf.	Rep	741.17	Microfilm Imaging	Contr	80.00
B.C. Meyer Const	Rfnd	200.00	Midwest Striping	ROW	3802.50
Barrett Const Co	LB840	2957.40	Midwest Turf	Chem	94.30
Berner, B	Rfnd	200.00	Miller Monroe	Ins	1960.00
Berry	Adv	22.60	Miltona Turf	Chem	424.94
Boatright, K	Dance	283.75	Mullenax	Sup	467.45
Bound Tree	Sup	600.39	Nationwide Trust	Inv	14111.81
Brown Glass	Rep	511.50	NC Public Schools	Contr	300.00
Brown's Shoe	Postage	11.11	NC Utilities	Util	5061.06
Card Services	Misc	890.81	NE Dept Revenue	Sls Tax	1449.65
Casey's	Fuel	231.08	NE Environmental	Rep	1437.03
CDW Govt	Equip	714.99	NE Statewide Arbor	Contr	1608.00
Century Lbr	Rep	1301.35	Nemaha Co Sheriff	Misc	33.34
Wildwood barn	Artist	1187.00	O'Reilly	Sup	114.35
Coca-Cola	Bev	109.73	Odey's Inc.	Chem	1078.00
Creighton	Dues	900.00	Orscheln	Sup	387.56
Danko	Rep	265.65	Otoe Co Clerk	Contr	4423.46
Don Johnson	Rfnd	200.00	Payroll	Payroll	89678.49
Double Eagle	Bev	100.85	Purchase Power	Postage	400.00
Douglas Tire	Rep	4152.64	Rembolt Homes	Rfnd	400.00
Eggers Bros	Sup	394.63	Scharp, W	Rfnd	25.00
EMS Billing	Contr	4273.14	Schneider Electric	Rep	403.00
Fareway	Conc	84.62	Shell Police	Fuel	2684.58
Fastenal	Sup	2.48	Shell Street	Fuel	54.19
Fireguard	Unif	4443.70	Shiplely Flooring	Rep	1270.00

Gatehouse	Adv	404.52	Smith, T	Dance	283.00
Giittinger, D	Mileage	67.24	Southeast Plbg	Rep	1400.00
Guardian	Ins	3320.51	State Treas	Pet Lic	489.85
Harding & Shultz	Misc	120.00	Stehlik, J	Rfnd	25.00
Hickey, C	Rfnd	100.00	Taser	Equip	2427.52
Hopkins	Sup	64.41	Tielke's	Conc	55.34
Hotsy Equip	Maint	249.00	Towns & Assoc	Adv	375.00
Howard, A	Rfnd	100.00	Tree City Tees	Unif	77.98
Ideal Pure Water	Sup	136.41	Tri-State Office	Sup	229.99
Jebro Inc.	Sup	1037.37	Tri-State Pumping	Rep	225.00
Jensen, E	Dance	195.00	Turf Supply	Chem	2567.00
Johnson, J	Mileage	51.98	UHC	Ins	8652.90
Konica Minolta	Contr	602.72	Unifirst	Misc	80.32
KR Creative	Sftwre	600.00	Van Wall Turf	Rep	1130.00
Kreifels Electric	Rep	295.23	Verizon	Tele	14.06
Kreikemeier, A	Unif	45.99	Watkins	Sup	52.82
Larson Motors	Rep	479.56	Windstream	Tele	2394.53

Moved by Commissioner Handy and seconded by Crunk to approve Claim No. 7250S. Upon roll call following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer.

Moved by Commissioner Handy and seconded by Mercer to approve the electrician’s work registration application from Wachter Inc. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed the week of September 21-27, 2014 as “Women of Today Week.”

Mayor Hobbie proclaimed October 2014 as “Breast Cancer Awareness Month.”

Mayor Hobbie proclaimed October 5 – 11, 2014 as “Public Power and Natural Gas Week.”

Mayor Hobbie opened the Public Hearing on the proposed budget for Fiscal Year 2014-2015 General, Bonded Indebtedness and Utilities funds. Joe Johnson reminded the Commissioners of the addition of \$27,000.00 made to line 10-46-5600 at the last meeting with corresponding revenue added to sales tax. No one else spoke in support or opposition to the proposed 2014-2015 Fiscal Year Budget. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, 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. Joe Johnson explained that the mill levy remained the same as last year at .30 per \$100 valuation. No one else spoke in support or opposition to the final tax request. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the request for final approval of the T & D Kreifels Subdivision. Dan Giittinger informed the Commissioners that this a subdivision of ground south of MRB Lewis and Clark Center. The buildings will be on 7.49 acres and the remaining acres will remain farm ground. No one else spoke in support of opposition to the subdivision. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and mayor Hobbie. Voting NO: None. Motion carried.

Joe Johnson provided the council with the August City Administrator’s Report. The Treasurer reported a beginning cash balance on hand as of August 1, of \$717,269.70; receipts of \$766,695.59; expenditures of \$737,931.64; leaving a cash balance on hand of \$746,033.65. Louan Beard presented information on Fantastic Future Exhibit and Open House at Morton-James Public Library. Mayor Hobbie asked that all written reports be placed on file.

Mayor Hobbie introduced Resolution 2646-14 approving an additional 1% increase in restricted funds authority for the 2014-2015 fiscal year. Moved by Commissioner Handy and seconded by

Mayor Hobbie to approve Resolution 2646-14. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion failed.

Mayor Hobbie introduced Ordinance No. 2947-14 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: 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 Handy. Mayor Hobbie opened debate on the ordinance. Mercer asked what COLA amount is included in the proposed step plan. Joe Johnson stated that it was 1% this year. Moved by Mercer and seconded by Commissioner Crunk to amend the attached eight-step plan to 2.7% COLA from the 1% COLA now proposed.

The Mayor then stated the question: "Shall Ordinance No. 2947-14 be passed and adopted?" Upon roll call the following voted YES: 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. 2947-14

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 2014.

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 15th day of September 2014.

Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2948-14 entitled: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2014-2015 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: 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 Handy. The Mayor then stated the question: "Shall Ordinance No. 2948-14 be passed and adopted?" Upon roll call the following voted YES: 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. 2948-14

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2014-2015 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, 2014, through September 30, 2015. 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 15th day of September, 2014.

Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2647-14 setting the property tax request for Nebraska City’s General Fund and Bonded Indebtedness fund for Fiscal Year, which request is different than last year’s request. Moved by Commissioner Handy and seconded by Crunk to approve Resolution 2647-14. Upon roll call the following voted YES: Mercer, Crunk, Handy, and Mayor Hobbie. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2647-14

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, 2014, be set at the following amounts:

General Fund	\$ 867,126.62
Bonded Indebtedness Fund	\$ 463,300.00

2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 10, 2014.

PASSED and APPROVED this 15th day of September, 2014.

Jack Hobbie, Mayor

Moved by Commissioner Handy and seconded by Mercer to approve the Final Plat for T & D Kreifels Subdivision. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Brother Nick Cordray from First Lutheran Church addressed the Council requesting use of public streets for a 5K Fun Run on October 4th from 8:00 a.m. to 9:30 p.m. Moved by Commissioner Handy and seconded by Crunk to approve the request from Brother Nick Cordray to hold a 5K Fun Run/Walk on October 4th from 8:00 a.m. to 9:30 a.m.. Upon roll call the following voted YES: Mercer, Crunk, Handy and mayor Hobbie. Voting NO: None. Motion carried.

K. Easter addressed the council on behalf of Lourdes High School Student Council requesting permission to use public streets for a 5K Fun Run on November 1, 2014. Moved by Commissioner Handy and seconded by Crunk to approve the request from Ms. Easter to use public streets for a 5K Fun Run on November 1. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Kristy Francis presented an offer from Mr. & Mrs. McConnell in the amount of \$30,000.00 to purchase lots 1-A and 1-B owned by the City in Deer Trail Subdivision. Mayor Hobbie would like to see the city come back with a counter offer if there is no decision. Moved by Mercer and seconded by Crunk to table a decision on the offer. Mayor Hobbie asked: “If we vote to table it

what are we asking from the potential buyers?" Mercer stated: "After a year or so if we don't sell it maybe we accept the offer." Mercer asked that Ms. Francis call him tomorrow after he has an opportunity to review the appraisal. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Alan Viox, Building Inspector presented photos of a property located at 1411 Third Avenue and asked the council to declare the structure as unsafe for human occupancy and notify the owner to repair or demolish the structure. The owner Denise McLaughlin asked the Council for additional time to allow her to possibly sell the property. Mr. Viox stated that the 'bones' of the structure appeared to be in good condition but that it would take quite a bit of money to restore the structure. Moved by Mercer and seconded by Crunk to declare the structure located at 1411 Third Avenue as unsafe for occupancy but allow the owner 60 days to repair and/or sell the property. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Alan Viox, Building Inspector presented photos of a property located at 1220 South 4th Street and asked the council to declare the structure as unsafe for human occupancy and notify the owner to repair or demolish the structure. The owner Jeremy White informed the council that he had been unemployed for an extended period of time and unable to spend any money on the property but is now employed and asked the Council for additional time to allow him time to bring the property up to code. Mr. Viox stated that these structures may not be in good enough condition to be repaired and that he would not want to see Mr. White spend money on the property only to have it condemned and demolished. Moved by Mercer and seconded by Handy to declare the structure located at 1220 South 4th Street as unsafe for occupancy but allow the owner 60 days to bring the property up to code. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Dan Giittinger explained the two (2) estimates received to repair the sanitary sewer system at the softball complex. One bid is to replace the current septic system and drainage field in the amount of \$12,411.00. The second bid is from General Excavating to build sanitary sewer system with a lift station to send waste to the wastewater treatment plant. Moved by Mercer and seconded by Commissioner Handy to award the contract to Tri-State Excavating L.L.C. to replace the current septic system with a new 2000 gallon septic tank and new drainage field in the amount of \$12,411.00. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Meeting adjourned at 7:08 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