

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
October 4, 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 at City Hall, 1409 Central Avenue, on October 4, 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 Mayor Jack Hobbie. Absent: 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 Giittinger.

Commissioner Handy moved to approve the minutes of the September 20, 2010, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Mayor Hobbie proclaimed October as "National Breast Cancer Awareness Month."

Margaret Spiers provided the Council with a Power Point presentation of future plans for a cancer survivor's park to be called "Garden of Hope."

Mayor Hobbie introduced Ordinance 2810-10, for the third and final reading, entitled, AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO, AND TO PROVIDE FOR AN EFFECTIVE DATE; 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. 2810-10 be passed and adopted?" Upon roll call the following voted YES: 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. 2810-10

AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO, AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Nebraska City MHP, LLC, the owner of the property described in Section 2 hereof, has requested that said tract of land be annexed into the City of Nebraska City.

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

SECTION 1. It is hereby found and determined by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

- a) The tract of land located outside of Nebraska City, Otoe County, Nebraska, as more particularly described herein, is urban and suburban in character and is contiguous and adjacent to the corporate limits of the City of Nebraska City, Nebraska;
- b) Police, fire and snow removal benefits will be immediately available thereto, and other City services are or will be available as provide by law;
- c) Within the area considered for annexation, the users of the City's utility services will have the benefits or rates applicable to users of such service within the City;
- d) There is a unity of interest in the use of such tracts with the use of lots and tracts in such City, and the community of convenience and welfare and the interest of such City will be enhanced through incorporating such lot within the limits of such City.

SECTION 2. That the boundaries of the City of Nebraska City, Nebraska, be and hereby are extended to include within the corporate limits of such City the adjacent and contiguous lands located outside of the City of Nebraska City, Otoe County, Nebraska, and known as a part of Lot A, R & D Shallenberger Subdivision, which is more particularly described as follows:

A 0.72 m/1 acre tract of land located in the N.E. 1/4 of the N.W. 1/4 of Section 17, T.8N. R.14E of the 6th P.M. and also being a part of Lot A, R & D Shallenberger Subdivision to Nebraska City, Otoe County, Nebraska, and being more particularly described as follows:

Commencing at the North 1/4 Corner of said Section 17, said point being the True Point of Beginning; thence westerly along the North line of the N.E. 1/4 of the N.W. 1/4 S89°22'37"W 331.71 feet to a point on the Easterly right-of-way line of Industrial Road; thence southeasterly along said Easterly right-of-way line S41°37'23"E 189.28 feet to a point on the North right-of-way line of the Omaha Public Power District Railroad; thence northeasterly along said North right-of-way line on a radius of 2914.79 feet, whose long chord bears N72°06'03"E 219.10 feet to the East line of the said N.E. 1/4 of the N.W. 1/4 of Section 17; thence northerly along the said East line N01°52'12"W 77.8 feet to the North 1/4 Corner of said Section 17, said point being the True Point of Beginning.

SECTION 3. That a certified copy of this ordinance, together with a plat of such lands, shall be filed of record in the office of the Register of Deeds of Otoe County, Nebraska.

SECTION 4. That the land described in Section 2 hereof is hereby annexed to the City of Nebraska City, Otoe County, Nebraska.

SECTION 5. That upon the taking effect of this ordinance, the police, fire and snow removal services of such City shall be furnished to the lands hereinbefore annexed, and other City services are or will be available as provided by law and the plan prepared in connection with this annexation; and the City rates for utility services furnished by the Nebraska City Utilities shall apply to such lots and tracts.

SECTION 6. This ordinance shall take effect and be in full force from and after fifteen days after its passage, approval, and publication as required by law, in its entirety or in pamphlet form, as the case may be, the authority for this annexation being Nebraska Revised Statutes Section 16-117 et seq. Reissue of 1997.

SECTION 7. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED and APPROVED this 4th day of October, 2010.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk Treasurer

Mayor Hobbie introduced Resolution 2493-10 an agreement with NDOR outlining bridge inspection responsibilities. Commissioner Handy moved to approve Resolution 2493-10, upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2493-10

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS, REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES;

Be it resolved by the City Council, City of Nebraska City, Nebraska, that:

1. The City shall enter into an Agreement with the Nebraska Department of Roads for the purpose of defining responsibilities in meeting the National Bridge Inspection Standards.
2. The Mayor is hereby authorized and directed to execute said agreement on behalf of the City of Nebraska City, and the City Clerk is authorized to attest said execution.
3. This resolution will be marked Exhibit "A" and a copy attached to each original agreement.

PASSED AND APPROVED THIS 4th DAY OF October, 2010.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk

Commissioner Gay moved to approve the recommendation by the Board of Public Works to extend a high pressure natural gas line to Red Fox Run, the cost being \$33,589.18. Upon roll call the following voted YES: Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Pat Haverty presented information on the bid received for replacing HVAC units in several city buildings. Commissioner Handy moved to approve awarding the contract to Bishop Plumbing and Heating in the amount of \$30,965.00 and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger addressed the Council about many calls received by staff concerning the traffic hazard posed by vehicles parking on 19th Street south of 4th Corso. Commissioner Handy moved to direct the City Attorney to draft a resolution placing “No Parking” signs on both sides of 19th Street from 4th Corso to Industrial Road. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty informed the Council about the opportunity to purchase two (2) mowers for Wildwood Golf Course at net state pricing thereby saving money for the City. Commissioner Crunk moved to approve the purchase of 2 mowers for the golf course at the bid price. Upon roll call the following voted YES: Gay, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty explained the savings to be derived by borrowing the funds at a local bank as opposed to leasing the mowers with an option to purchase. Commissioner Crunk moved to approve the loan agreement with American National Bank and authorize the City Clerk to sign. Upon roll call the following voted YES: Gay, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve Estimate #3 in the amount of \$38,528.00 for the Memorial Way Project. Upon roll call the following voted YES: Gay, Handy and Mayor Hobbie. Voting NO: Crunk. Motion carried.

Pat Haverty outlined the agreement with SENDD which would have SENDD provide management for a portion of the Energy Efficiency Grant the City received. Commissioner Handy moved to approve the agreement with SENDD not to exceed \$4,000.00 and authorize the Mayor to sign. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Resolution 2494-10 assessing costs of cleaning up private properties to the property owners. Commissioner Gay moved to approve Resolution 2494-10. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion carried.

1st Class Flowers	46.00	Misc		Menards	49.85	Equip
Action Tech	400.00	Contr		Miller Monroe	77,877.00	Ins
Agrium Adv	925.00	Seed		Moore Medical	1,789.58	Med
Alamar	228.15	Unif		Natiional Enter	480.00	Misc
All Roads	160.00	ROW		Nationwide	10,842.81	Ins
Animal Hosp	131.00	Contr		NCTC	5,927.50	Contr
Anthens, J	44.00	Rec		NE Comm Found	2,291.67	Contr
Arbor Mart	2,571.71	Fuel		NE Exp Econ Dev	375.00	Dues
AVAC	1,111.50	Contr		Nichols, J	306.00	Rec
Brown Glass	25.75	Rep		Nichols, L	270.00	Rec
BSN Sports	49.34	Supp		O'Reilly Auto	4.78	Rep
Cintas	55.00	Contr		Orscheln	110.38	Maint
Columbus Tele	96.00	Advert		Otoe Co Clerk	1,667.50	Contr
D & D Comm	560.00	Rep		Otoe Co Reg Deed	5.50	Advert
Don's Johns	80.00	Contr		Payroll	153,144.02	Payroll
Douglas Tire	607.64	Rep		Petty Cash	16.05	Postage
EMC Insurance	750.75	Ins		Physio-Control	2,112.00	Maint
F & B Const	38,528.00	ROW		Reams	258.54	Equip
Farmers Coop	23.50	Fuel		Schendel Pest	150.00	Pest Cont
Food Pride	108.60	Conc		SENDD	6,668.00	Dues
Fry & Assoc	5,634.12	Equip		Southeast Plumbing	1,832.00	Maint
Haverty, P	298.84	Mileage		St. Mary's	3.60	Med
Heartland Class	32.43	Advert		Thurmans	676.00	Misc
Holiday Inn	280.00	Travel		Tri-State Office	501.21	Supp

Holland, D	10.00	Dues		Two Sisters Cleaning	275.00	Contr
Hopkins Auto	69.45	Rep		UNL	160.00	Dues
Jerry's Landscap	255.00	Contr		Verizon Wireless	418.22	Tele
Konica Premier	245.00	Supp		Viox, A	484.50	Mileage
Landis Engine	447.47	Rep		Warner, R	5,569.00	Rep
Larson Motors	1,809.66	Rep		Watkins True Value	271.82	Rep
Lesco	6,155.50	Seed		Wick's	198.00	Maint
Linweld	235.58	Med		Wood Family Fuel	185.51	Fuel
MD Aquatics	1,168.00	Contr		Wurtele Distributors	72.99	Conc
Mellage Truck	1,097.18	Rep		Yost, B	100.00	Misc

Meeting adjourned at 6:40 p.m.

Arnold M. Ehlers, City Clerk - Treasurer