

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
October 17, 2011

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 17, 2011. 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 Chief David Lacy, and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Handy moved to approve the minutes of the October 3, 2011, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

Moved by Mayor Hobbie to appoint Carol Goebel, Steve Curran, Ryan Nilan, and Wendy Wielechowski as probationary members of the Nebraska City Volunteer Fire and Rescue Department and Kim Kohout as a member of the NCVF&R Department, seconded by Commissioner Handy. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Motion passed.

Mayor Hobbie proclaimed October as "Breast Cancer Awareness Month." Margie Spiers was on hand to accept the proclamation.

Mayor Hobbie opened the Public Hearing for the Class "IB" liquor license application by William Kaster. City Attorney asked Mr. Kaster if he would be selling food at this establishment to which Mr. replied yes. City Attorney then asked about alcohol server training for he and his staff. Mr. Kaster explained that two staff members, his wife and him were signed up for the next alcohol server training class. No one else spoke in support or opposition to the application request. Moved by Commissioner Handy and seconded by Commissioner Crunk to close the Public Hearing. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

**REPORTS:**

Joe Johnson had distributed copies of the City Administrator's Report. The Treasurer reported a beginning balance as of September 1, 2011 of \$1,729,049.70, revenues of \$913,110.62; expenditures of \$868,401.83 leaving a balance on hand as of September 30, 2011 of \$1,883,536.21. Rebecca Turner, Executive Director of Nebraska City Tourism and Commerce provided copies of the organizations annual report as well as highlights of the year which included the expanding of the Arbor Day and Apple Jack Festivals. Developing a new community brand "Arbor Day's Hometown – Where Great Ideas Grow!" Facilitating the Living Legacy & Mural Restoration Projects and many other activities. Stephanie Shrader Executive Director of Nebraska City Area Economic Development presented the organizations quarterly report. The organization is working one-on-one with individuals interested in starting their own business and assists others in preparing business plans. Mayor Hobbie asked that all written reports be placed on file.

Mayor Hobbie moved to the next item on the agenda, consideration of the liquor license application by William Kaster. Moved by Commissioner Handy and seconded by Commissioner Crunk to approve the Class "IB" liquor license application by William Kaster. Upon roll call the

following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None Motion passed.

Mayor Hobbie introduced Resolution 2541-11 creating temporary parking and traffic controls near Lourdes during construction. Andy Fedoris thanked the Council for their consideration of the request. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2541-11. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2541-11**

**WHEREAS**, a request has been made of the Mayor and Council to address the issue of parking and traffic flow on N 4<sup>th</sup> Street, between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue, caused by school buses and other traffic, during construction of the addition to Lourdes Central Catholic School, and

**WHEREAS**, the Mayor and City Commissioners have determined that prohibiting parking on N 4<sup>th</sup> Street between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue on the East side of N 4<sup>th</sup> Street during such construction will be in the best interest of the public, and

**WHEREAS**, the Mayor and City Commissioners have determined that limiting parking to School Buses only on N 4<sup>th</sup> Street between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue on the West side of N 4<sup>th</sup> Street during such construction will be in the best interest of the public, and

**WHEREAS**, the Mayor and City Commissioners have determined that one-way traffic along N 4<sup>th</sup> Street, between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue, directing traffic in a southerly direction along said N 4<sup>th</sup> Street during such construction, will be in the best interest of the public.

**NOW THEREFORE**, Be It Resolved by the Mayor and City Commissioners of the City of Nebraska City, Nebraska, that during construction of the addition to Lourdes Central Catholic School that “No Parking” signs be placed on the East side of 4<sup>th</sup> Street, between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue, in the City of Nebraska City, Nebraska, to provide that parking be prohibited on the East side of said street, effective twenty-four hours each day; that “Bus Parking Only” signs be placed on the West side of 4<sup>th</sup> Street, between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue, in the City of Nebraska City, Nebraska, to limit parking on the West side of said street, effective twenty-four hours each day to buses only; and that “One-Way” traffic signals be placed along N 4<sup>th</sup> Street, between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue, directing traffic in a southerly direction along said N 4<sup>th</sup> Street, to provide for better traffic flow along N 4<sup>th</sup> Street.

Passed and approved this 17<sup>th</sup> day of October, 2011.

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Jack Hobbie, Mayor

Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

Chief Lacy asked the Council to consider allowing the City Hall Parking Lot to be used of unused and expired drug collections on October 29 from 10:00 a.m. to 2:00 p.m. He stated that last year over 500 pounds of drugs were collected and then disposed of properly by DEA, thereby keeping those drugs out of our environment. Moved by Commissioner Mercer and seconded by Commissioner Gay to approve the use of the City Hall Parking Lot for drug collection on October 29, 2011. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Mercer and seconded by Commissioner Handy to go into Executive Session at 6:34 p.m. to discuss the suspension of Mary Wallen and allow the City Clerk, City Administrator, City Attorney and Mary Wallen to remain in the room. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Commissioner Crunk to come out of Executive Session at 6:41 p.m. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2542-11 to suspend employment and hold hearing on the discharge of Deputy Clerk – Treasurer. Moved by Commissioner handy and seconded by Mayor Hobbie to approve Resolution 2542-11. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**Resolution 2542-11**

**RESOLUTION TO SUSPEND EMPLOYMENT AND HOLD HEARING ON DISCHARGE OF DEPUTY CLERK – TREASURER**

**WHEREAS**, Mary Wallen was notified on October 14, 2011, that the Council would convene in regular session on October 17, 2011, to consider suspension of her employment; and

**WHEREAS**, on October 17, 2011, the Council and Ms. Wallen received a letter from Clerk – Treasurer Arnold Ehlers requesting the immediate suspension of Ms. Wallen and the discharge of Ms. Wallen’s employment with the City pursuant to Nebraska City Ordinance Sec. 2-144, for reason of neglect of duty, and more specifically under Section 7.1 (b)(2) of the City Personnel Manual which lists: “Incompetence, inefficiency or inattention to or dereliction of duty,” on the grounds that, according to Mr.

Ehlers, Ms. Wallen's has neglected her duty by falsifying reports, not taking advantage of office support and individual training opportunities to stop the escalating data entry errors. Not using responsible accounting practices. Circumventing software and our own office procedures, that caused financial problems for our employees, and creditors as well as internal bookkeeping; and

WHEREAS, the October 17, 2011 letter from Mr. Ehlers also advised the Council that Ms. Wallen had been improperly demoted on August 25, 2011;

NOW THEREFORE BE IT RESOLVED that the Council suspend Ms. Wallen's employment with the City, effective immediately, pursuant to Ordinance Sec. 2-144, for reason of neglect of duty, such suspension to be with pay.

BE IT FURTHER RESOLVED that Ms. Wallen be paid any back pay due and owing to her by reason of the improper demotion on August 25, 2011 through today's date.

BE IT FURTHER RESOLVED that the Clerk – Treasurer prepare a description of the facts supporting the charges for Ms. Wallen's discharge and provide such description to Ms. Wallen no later than one week from today's date.

BE IT FURTHER RESOLVED that a hearing be held before the Council on the matter of Ms. Wallen's discharge pursuant to Nebraska City Ordinance Sec. 2-144, for reason of neglect of duty, and more specifically under Section 7.1 (b)(2) of the City Personnel Manual which lists: "Incompetence, inefficiency or inattention to or dereliction of duty," on the grounds that, according to Mr. Ehlers, Ms. Wallen's has neglected her duty by falsifying reports, not taking advantage of office support and individual training opportunities to stop the escalating data entry errors. Not using responsible accounting practices. Circumventing software and our own office procedures, that caused financial problems for our employees, and creditors as well as internal bookkeeping.; that the City seek independent legal counsel with respect to such matter; and that the City's legal counsel be directed to work cooperatively with Ms. Wallen or Ms. Wallen's legal counsel to set a date for such hearing and exchange witness and exhibit lists prior to the date of such hearing.

After the above findings and resolution were read in their entirety, council member \_\_\_\_\_ moved for passage of the motion. Council member \_\_\_\_\_ seconded the motion. After discussion, and on roll call vote, the following council members voted in favor of the motion: \_\_\_\_\_. The following members voted against the motion: \_\_\_\_\_. The following members did not vote: \_\_\_\_\_.

Having been consented to by a majority of the voting members, the Mayor declared the motion to have been passed and adopted.

Dated this 17<sup>th</sup> day of October, 2011.

\_\_\_\_\_  
Jack Hobbie, Mayor, City of Nebraska City  
Attest:

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Arnold M. Ehlers, City Clerk - Treasurer

A-1 Locksmith	79.95	Rep		Kreifels Electric	320.00	Rep
ADT Security	128.12	Contr		Kreikemeier, A	108.78	Mileage
Alamar	116.46	Unif		Landis Engine	91.21	Equip
Allied Refuse	414.25	Grabage		Larson Motors	23,054.21	Equip
American Alum	2,297.00	Equip		Linweld	151.10	Med
American Ntnl	17,052.07	Loan		Lyman-Richey	1,179.94	Contr
Amerine, J	25.00	Misc		Martin Marietta	1,679.10	Contr
Arbor Mart	2,970.34	Fuel		Mead Lumber	67.03	Maint
Assoc Supply	203.44	Equip		Mercer's	169.53	Maint
Auburn News	78.00	Advert		Microfilm lmg	80.00	Supp
Barone Security	312.00	Contr		Midwest Service	24,509.48	Equip
Bill Walters & Son	85.00	Equip		Miller Monroe	325.00	Bond
Bohl Plumbing	68.25	Rep		Miracle Mudjackin	13,187.50	Maint
Bound Tree	1,005.82	Med		Mullenax Auto	730.09	Maint
Brad Yost Const	3,000.00	CDBG		NC Newspress	33.16	Advert
Branting, D	25.00	Misc		NC Rotary	375.00	Dues
Brown Glass	1,016.00	Rep		NC Utilities	10,031.18	Util
Casey's	208.71	Fuel		NE Dept Rev	1,042.74	S Tax
Cintas	60.32	Contr		NE Enviro Prod	462.33	Supp
Citizen Printing	851.50	Supp		NE Golf & Turf	360.00	Supp
City Tire	32.98	Equip		NE Public Health	84.00	Contr
Columbus Telegra	95.00	Advert		Statewide Arbor	130.00	Dues
Commercial Turf	2,500.00	Contr		Workforce Dev	525.00	Contr
Concrete Ind	750.38	Maint		Ntnl Entertain	480.00	Supp
Creighton	1,800.00	Dues		O'Reilly Auto	97.72	Rep
Cullin, J	25.00	Misc		Orscheln	95.83	Maint
D&D Comm	198.00	Comm		Otoe Co Clerk	2,742.24	Contr
Danko Emerg	80.31	Equip		Otoe Co Court	96.00	Misc
Douglas Tire	3,964.95	Rep		Payroll	107,058.34	Payroll

EMS Billing Srvc	4,064.77	Contr	Purchase Power	400.00	Postage
Fastenal	229.31	Tools	Shell	2,685.08	Fuel
Food Pride	101.05	Conc	Tielke's Sandwich	13.50	Conc
Giittinger, D	58.83	Mileage	Tri-State Office	48.35	Supp
Glass Doctor	59.95	Rep	Two Sisters	275.00	Contr
Henry Motors	400.00	Equip	Varenhorst, H	25.00	Misc
HireRight	154.00	Med	Verizon Wireless	300.80	Tele
Hopkins Auto	48.30	Rep	Viox, A	430.13	Mileage
Ideal Pure Water	34.92	Contr	VISA	116.80	Sftwre
Jerry's Landscape	210.00	Contr	Voice News	300.00	Advert
K&Z Dist	16.10	Conc	Watkins	1,163.79	Maint
Keim Farm Equip	39.27	Equip	Windstream	2,164.49	Tele
King, C	25.00	Misc	Wood Family Fuel	226.00	Fuel
Knook & Kranny	2,300.00	Contr	Wurtele Dist	183.14	Conc
Konica Business	238.26	Supp			

Meeting adjourned at 6:46 p.m.

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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.

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Arnold M. Ehlers, City Clerk-Treasurer