

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
November 1, 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 November 1, 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Brett Gay. 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 October 18, 2010, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Handy, 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: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Martin Brammier, Ian Kozlowski and Kyle Mullins as probationary EMT's on the Nebraska City Volunteer Fire & Rescue Department. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie moved to re-appoint Steve Recker and Gary Sasse to the Board of Adjustment. Upon roll call the following voted YES: Mercer, Crunk, Handy, and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie opened the Public Hearing on the request by David Maybee to change the zoning on: A Tract 73.0' x 68' x 116' x 127' in Blk A; NW $\frac{1}{4}$ NW $\frac{1}{4}$; 17-8-14; Stockville Annexation to Nebraska City, Otoe County, NE from C-1 to R-2. Dan Giittinger informed the Council that Maybee's were having difficulty selling the property because it is a residential located in a commercial zoning and the buyers are not able to get a loan because of the non-conforming issue. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty informed the Council that the tree dump will be open to the public for free November 13 through November 20th. Rebecca Turner provided the Council with the Nebraska City Tourism and Commerce's quarterly report. Mayor Hobbie accepted both reports and asked that they be placed on file.

Mayor Hobbie introduced Ordinance 2815-10 entitled, AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM C-1 NEIGHBORHOOD COMMERCIAL TO R-2 RESIDENTIAL; TO PROVIDE INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; 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 Mercer. The Mayor then stated the question: "Shall Ordinance No. 2815-10 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. 2815-10

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM C-1 NEIGHBORHOOD COMMERCIAL TO R-2 RESIDENTIAL; TO PROVIDE INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, application for a change of zoning classification has been made by David Maybee, and said application has been referred to the Planning Commission for a recommendation,

Whereas, the Planning Commission held a public hearing on said application and has recommended to the City Council approval of the requested change in zoning classification, and

Whereas, the City Council has held a public hearing on the matter, after giving due notice thereof as required by law,

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

SECTION 1. That the Official Zoning Map of the City of Nebraska City, Nebraska, as adopted by Ordinance No. 2576-03 of the City of Nebraska City, Nebraska, is hereby amended from C-1 Neighborhood Commercial to R-2 Residential, insofar as the same relates to the property legally described as:

A tract of land 73.0' x 68' x 116'x 127', in Block A, Northwest Quarter of the Northwest Quarter of Section 17, Township 8, Range 14, Stockville Annexation to the City of Nebraska City, Otoe County, Nebraska.

SECTION 2. That the City Clerk be and is hereby authorized to amend the Official Zoning Map of the City of Nebraska City by designating the zoning classification therein as provided by this ordinance.

SECTION 3. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and Approved this 1st day of November, 2010.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Pat Haverty explained the request by the owners of the McDonald's franchise to remove the "Handicap Parking" designation from the building they wished to purchase as offices located at 905 3rd Corso. Commissioner Mercer moved to approve the request removing "Handicap Parking" space on 3rd Corso in front of 905 3rd Corso. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Mercer moved to approve Estimate #4 in the amount of \$59,035 for construction completed as of September 30. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Pat Haverty reviewed staff proposals for new fees for various licenses, permits, and rental fees. Commissioner Mercer moved to direct the City Attorney to draft ordinances adopting the fees as presented and that the rental fees be placed in force immediately. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Action Tech	400.00	Contr	Midwest Service	10,600.00	Equip
Alco	109.49	Conc	Miller Monroe	125.00	Ins
Anthens, J	41.00	Rec	Moore Medical	566.51	Med
Arbor Mart	6,132.65	Fuel	Nationwide	10,477.47	Ins
Arbor Outdoor	98.47	Rep	NCTC	5,417.00	Contr
Barrett Const	4,725.00	Maint	NE Comm Found	2,291.67	Contr
Bishop Plumb	3,925.00	Maint	NE Express Econ D	375.00	Dues
Blocker, L	102.00	Rec	NE Golf & Turf	73.91	Rep
Bob's Welding	401.78	Rep	Nichols, Jim	306.00	Rec

Bond	4,958.33	Bond	Nichols, Jimmy	180.00	Rec
Bound Tree	742.73	Med	Nichols, L	180.00	Rec
Callaway	239.29	Msde	O'Reilly Auto	55.96	Equip
Casey, J	50.50	Mileage	Orscheln	198.74	Rep
Cintas	56.75	Contr	Otoe Co Clerk	1,544.50	Contr
City Tire	1,358.35	Equip	Otoe Co Court	97.00	Contr
Concrete Ind	69.19	Maint	Palfleet Truck	500.51	Rep
Creighton Med	350.00	Med	Parker, N	40.00	Rec
DeVorss, T	78.75	Rec	Payroll	151,981.96	Payroll
Douglas Tire	2,190.71	Rep	Peterson, J	44.00	Rec
Earl May	21.98	Seed	Petty Cash	26.37	Postage
F & B Const	59,035.00	ROW	Rakes, A	33.75	Rec
Fastenal	429.88	Supp	S Systems	120.00	Rep
Flagler County	200.00	Dues	Schendel Pest	150.00	Pest Cont
Food Pride	43.77	Conc	SENDDD	1,531.37	Contr
Galls	67.04	Unif	St. Mary's Hosp	28.08	Med
Heartland Class	26.17	Advert	Stutheit Imp	126.64	Rep
Hopkins Auto	93.18	Rep	Tech & Design	115.00	Rep
Konica Premier	245.00	Contr	Thurmans	45.00	Supp
Landis Engine	10,953.20	Rep	Vander Haags	451.06	Equip
LaRue Coffee	109.58	Supp	Verizon Wireless	407.70	Tele
Linweld	120.30	Med	Watkins True Value	78.90	Rep
Lyman-Richey	2,273.60	Maint	Wenzl Hardware	76.80	Rep
Martin Marietta	1,136.92	Maint	Wick's	4.75	Rep
McBattas Print	505.00	Advert	Wood Family Fuel	181.05	Fuel
Mead Lumber	360.36	Rep	Zoll Medical	404.59	Med
Michael Todd	1,065.25	Equip			

Meeting adjourned at 6:18 p.m.

Arnold M. Ehlers, City Clerk - Treasurer